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Chairman: Mr. Majoor ..... (Netherlands)

Contents

Agenda item 64: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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08-61288 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 64: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/63/L.31, L.32, L.35/Rev.1 (and amendments contained in documents A/C.3/63/L.74 and L.75), L.38/Rev.1, L.41 and L.44)

Draft resolution A/C.3/63/L.32: Enhancement of international cooperation in the field of human rights (*continued*)

1. **Mr. Khane** (Secretary of the Committee) recalled that China and El Salvador had become sponsors of the draft resolution at the time of its introduction.

2. **The Chairman** said that the draft resolution had no programme budget implications.

3. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, made two revisions to the draft resolution. In the third line of the second preambular paragraph, the word "all" should be deleted and, in the third line of paragraph 7, "as well as by the elimination of double standards and politicization" should be deleted. He hoped that the draft resolution, which aimed to advance the Human Rights Council's activities in respect of enhancing international cooperation in the field of human rights, would be adopted by consensus.

4. **Mr. Khane** (Secretary of the Committee) announced that Brazil had joined the sponsors of the draft resolution, as orally revised.

5. *Draft resolution A/C.3/63/L.32, as orally revised, was adopted without a vote.*

Draft resolution A/C.3/63/L.31: Human rights and unilateral coercive measures (*continued*)

6. **Mr. Khane** (Secretary of the Committee) recalled that China and El Salvador had become sponsors of the draft resolution at the time of its introduction.

7. **The Chairman** said that the draft resolution had no programme budget implications.

8. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, recalled the content of the draft resolution and expressed regret that unilateral coercive measures continued to be promulgated and implemented with all their negative implications for the social humanitarian activities and economic and social development of developing countries. The Movement of Non-Aligned Countries hoped that, for the first time, the draft resolution would be adopted by consensus and that, if a vote was taken, the resolution would be supported by all delegations.

9. **The Chairman** informed the Committee that a recorded vote had been requested.

10. **Mr. Amorós Núñez** (Cuba) asked which delegation had requested the recorded vote.

11. **The Chairman** said that the vote had been requested by the delegation of the United States of America.

12. *A recorded vote was taken on draft resolution A/C.3/63/L.31.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone,

Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

13. *Draft resolution A/C.3/63/L.31 was adopted by 124 votes to 52.**

Draft resolution A/C.3/63/L.35/Rev.1 (and amendments contained in documents A/C.3/63/L.74 and L.75): Extrajudicial, summary or arbitrary executions

14. **Ms. Schiyter** (Sweden) asked whether consideration of the draft resolution could be deferred to 24 November 2008, as negotiations on the text were still under way.

15. **The Chairman** said that consideration of the draft resolution would be deferred to 24 November 2008.

Draft resolution A/C.3/63/L.41: International Convention for the Protection of All Persons from Enforced Disappearance (continued)

16. **Mr. Khane** (Secretary of the Committee) announced that Bosnia and Herzegovina, Cameroon, Canada, Côte d'Ivoire, Cyprus, Georgia, Liechtenstein, Malawi, Malta, Norway, Poland, the Republic of Korea, Republic of Moldova, Senegal, Serbia, Slovakia, Slovenia, Swaziland, Sweden and the United Republic of Tanzania had joined the sponsors of the draft resolution.

17. **The Chairman** said that the draft resolution had no programme budget implications.

18. **Ms. Melon** (Argentina) said that the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance would help to protect the human rights of all persons and to combat impunity, and thanked the 72 sponsors for their support for the draft resolution, including the five States parties to the Convention and the States that had signed it or planned to do so. Since the draft resolution had been introduced, Bolivia, Colombia, Mongolia and South Africa had joined the sponsors. Her country hoped that the draft resolution would be adopted by consensus, with a view to the Convention's prompt entry into force and universalization in the near future.

19. **Mr. Khane** (Secretary of the Committee) announced that Cambodia, Cape Verde, the Congo, the Dominican Republic, Haiti, Latvia, Mali, Mauritius, Montenegro, Morocco, Timor-Leste, Togo, Uganda and Ukraine had joined the sponsors.

20. *Draft resolution A/C.3/63/L.41 was adopted without a vote.*

21. **Mr. McMahan** (United States of America) said that his country had joined the consensus on the draft resolution because it shared the other Member States' views on the need to combat the phenomenon of enforced disappearance. At the same time, he noted that his country had neither signed nor ratified the Convention because of a number of major problems in the text, which it had outlined in both a general statement and a 2006 communication addressed to the Human Rights Council.

Draft resolution A/C.3/63/L.38/Rev.1: Protection of migrants

22. **Mr. Khane** (Secretary of the Committee) announced that Algeria, Armenia, Belarus, Benin, Colombia, the Comoros, Côte d'Ivoire, Eritrea, Ethiopia, Ghana, Guinea, Haiti, Honduras, Iraq, Kyrgyzstan, Lebanon, Morocco, Nigeria, Sri Lanka,

* The delegations of Ghana and Zimbabwe subsequently informed the Committee that, had they been present during the voting, they would have voted in favour of the draft resolution.

the Sudan, Tajikistan and Uruguay had joined the sponsors of the draft resolution.

23. **Mr. Ochoa** (Mexico) said that Afghanistan, Albania, Angola, Bangladesh, Belize, the Congo, the Gambia, Kenya, Mali, Mauritania, the Niger, Saint Vincent and the Grenadines and Turkey had also joined the sponsors. He introduced oral revisions to the draft resolution, including the deletion of the phrase "and subsequent rulings of the International Court of Justice following that Judgment" from the eighth preambular paragraph and the insertion of the words "as adopted" between commas after the words "Recalling its resolution 62/270 of 20 June 2008 on the Global Forum on Migration and Development" in the eleventh preambular paragraph.

24. The draft resolution had been the result of intensive negotiations. He was pleased by the references to new measures regarding the detention of irregular migrants, particularly those mentioned in paragraph 13. He commended the efforts made by all parties to the negotiations on behalf of the world's migrants. Adopting the draft resolution without a vote would demonstrate the international community's desire to uphold the human rights and fundamental freedoms of all migrants, regardless of their migration status.

25. **The Chairman** said that the draft resolution had no programme budget implications.

26. **Mr. Khane** (Secretary of the Committee) announced that Burkina Faso, Cape Verde, the Central African Republic and Guinea-Bissau had joined the sponsors of the draft resolution as orally revised.

27. *Draft resolution A/C.3/63/L.38/Rev.1, as orally revised, was adopted without a vote.*

28. **Mr. Escalona** (Bolivarian Republic of Venezuela) said that he welcomed the adoption by consensus of the draft resolution. Given the direct and indirect social, economic and cultural consequences of international migration, a comprehensive and multidimensional approach was needed. Criminalizing illegal migration reflected the view that it was a matter of State security, in disregard of its social, economic and other aspects. Over the previous year many countries had taken stiffer measures against irregular migrants. That approach had dangerously encouraged xenophobia and discrimination and did not offer constructive solutions to shared challenges and responsibilities. Efforts to address issues relating to irregular migrants should fully respect human rights and fundamental freedoms.

29. With regard to paragraph 15, it should be understood that under international law every person had the right to return to his or her country of origin and that States had a corresponding international obligation to readmit citizens claiming that right. Moreover, that right was an individual right that could not be invoked by a State. The positive contributions of migrants to their host countries should not be overlooked. His country noted proudly that like many other States it had welcomed European and other migrants who had been victims of war and hunger.

30. **Mr. Gonnet** (France), speaking on behalf of the European Union, said that, while the European Union had some reservations about draft resolution A/C.3/63/L.38/Rev.1, it had joined the consensus. As Europe was the region that admitted the highest number of migrants, the European Union fully recognized the need to protect the human rights of all persons, including migrants, and welcomed the inclusion in the draft resolution of a clear reference to the obligation of States to ensure that their returning nationals were duly received. It regretted, however, that the draft resolution did not take into account in a balanced way the need to regulate immigration in order to protect and promote human rights or the various obligations of States in that regard. Some of the issues raised during the negotiations did not pertain to human rights but rather to national migration policies. Within the European Union, such policies were compatible with the human rights obligations of the member States and were based on a comprehensive, balanced approach and on the rule of law. In that context, the regulation of migration helped to promote and protect the human rights of all persons, including migrants, and to combat the trafficking and exploitation of irregular migrants and the violation of labour law. Such a balanced approach should have been more effectively taken into account in the draft resolution.

31. With regard to paragraph 9, the European Union stressed that detention measures were subject to strict legal review and were applied in accordance with international human rights obligations. Such measures could not be considered excessive but must be seen in the context of States' obligations regarding the return of their nationals.

32. The European Union continued to attach importance to the Global Forum on Migration and Development, which offered countries a means of continuing their dialogue on the subject and helping to work out comprehensive approaches. That intergovernmental process could contribute added value, provided that it was informal, voluntary, non-binding and conducted by interested States and participants. He therefore hoped that the draft resolution submitted at the next session would reflect a more balanced, comprehensive and objective approach, with emphasis on human rights protection for all, including migrants, and would consequently be of real interest.

33. **Mr. McMahan** (United States of America) said that his delegation had joined the consensus after substantial and constructive negotiations. Any negotiation or discussion on international migration was implicitly underpinned by the well-settled principle under international law that all States had the sovereign right to control admission to their territory and to regulate the admission and expulsion of foreign nationals. At the same time, States must recognize the human rights of migrants, consistent with their obligations under international law, including international human rights law. The United States fulfilled those obligations by providing substantial protections under the Constitution and other domestic laws to aliens within its territory, regardless of their immigration status. Reiterating some of the points raised during the consultations, he stressed the principle that States had an affirmative duty to accept the return of their nationals who had been expelled from the territory of another State. The expeditious return of irregular migrants to their countries of origin would contribute significantly to decreasing detention periods. Although international law did not prohibit the detention of persons who had violated a country's immigration or criminal laws, States must enforce such laws in a manner consistent with international law, including as parties to human rights treaties.

34. The draft resolution dealt with migration on a global scale and sought to find common ground among Member States for the protection of human rights. The Organization's approach to that crucial global concern should not be sidetracked by undue focus on bilateral issues already being addressed by the States concerned. It was therefore regrettable that a specific bilateral legal matter concerning two Member States, already considered by the Committee, should be referred to in the eighth preambular paragraph of the draft resolution; it diverted attention from the multilateral reflection and action required.

35. The United States urged its citizens, more than 1 million of whom lived abroad, to observe all national and local laws when in other countries. It welcomed the presence in its territory of millions of immigrants and visitors, including legal workers and students, and was committed to protecting the rights of migrants within its borders.

Draft resolution A/C.3/63/L.44: Promotion of a democratic and equitable international order (continued)

36. **Mr. Khane** (Secretary of the Committee) recalled that Algeria, Burkina Faso, Cameroon, El Salvador, Honduras, the Islamic Republic of Iran, Lebanon, the Libyan Arab Jamahiriya, the Russian Federation, Sierra Leone, South Africa and Viet Nam had joined the sponsors of draft resolution A/C.3/63/L.44 when it had been introduced.

37. **The Chairman** said that the draft resolution had no programme budget implications.

38. **Mr. Amorós Núñez** (Cuba), having recalled that a democratic and equitable international order depended, inter alia, on the right of all peoples to self-determination, the right of peoples and nations to permanent sovereignty, equal participation in the decision-making process, and mutual interest, solidarity and cooperation among all States, made some oral revisions to the text of the draft resolution. After the sixth preambular paragraph, a new paragraph should be added: "*Stressing* that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world". The words "of the worsening" should be deleted from the fourteenth preambular paragraph. After the fifteenth preambular paragraph, a new paragraph should be added: "*Stressing also* the need for adequate financing of and technology transfer to developing countries, in particular the landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change". Lastly, in the third line of the

fourteenth preambular paragraph of the Spanish text, the word "menoscabar" should be replaced by "violar" to correspond to the original English version of the text.

39. The Cuban delegation pointed out that Jamaica, Malaysia, Myanmar and Zambia had also joined the sponsors of the draft resolution, and called on all delegations to demonstrate their commitment to a democratic and equitable international order by voting in favour of the draft resolution.

40. **Mr. Khane** (Secretary of the Committee) said that Bangladesh, Benin, Chad, the Democratic People's Republic of Korea, the Dominican Republic, Indonesia, Lesotho, Namibia, Nigeria, the Solomon Islands and Swaziland had joined the sponsors of the draft resolution as orally revised.

41. **The Chairman** informed the Committee that a recorded vote had been requested on draft resolution A/C.3/63/L.44 as orally revised.

42. **Mr. Amorós Núñez** (Cuba) asked which delegation had requested a recorded vote.

43. **The Chairman** said that the United States of America had made the request.

44. **Mr. Gonnet** (France), speaking in explanation of vote before the voting on behalf of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that the European Union considered that it was necessary to continue working towards a democratic and equitable international order. Although it recognized that the draft resolution raised important issues that required careful analysis and action on the part of all nations, the European Union was of the view that a number of the points included in the text lay outside the purview of the Third Committee and were not dealt with comprehensively, but instead were referred to in a selective and random manner without a proper context. The draft resolution emphasized international obligations to control the workings of globalization but omitted the duties and obligations of States in that respect, something that the European Union considered highly important.

45. Bearing in mind the nature and content of the draft resolution, the European Union wished to reiterate that the Third Committee was not the proper forum in which to deal with those issues. It also pointed out that it did not consider that the wording of paragraph 12 prejudged the outcome of the review being done by the working group of the Human Rights Council of all of the mandates, mechanisms, functions and responsibilities of the Commission on Human Rights. For those reasons, the European Union would vote against draft resolution A/C.3/63/L.44.

46. *A recorded vote was taken on draft resolution A/C.3/63/L.44.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg,

Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Mexico, Peru, Timor-Leste, Vanuatu.

47. *Draft resolution A/C.3/63/L.44, as orally revised, was adopted by 120 votes to 52, with 7 abstentions.**

Agenda item 64: Promotion and protection of human rights (*continued*)

(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/C.3/63/L.26, L.33 and L.71)

48. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, recalled the decision adopted by the Movement at its fourteenth summit, held in September 2006, regarding country-specific resolutions. That decision had prohibited the exploitation of human rights for political purposes, which was contrary to the founding principles of the Movement and the Charter of the United Nations, and condemned selectivity and double standards in the promotion and protection of human rights. Cuba urged all States members of the Movement to uphold those principles when voting on country-specific draft resolutions before the Third Committee.

49. **Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) said that his delegation would vote against the three draft resolutions concerning the situation of human rights in the Democratic People's Republic of Korea, Myanmar and the Islamic Republic of Iran, respectively. They were marked by politicization, selectivity and double standards and clearly ran counter to the principles and purposes set out in the Charter of the United Nations. Human rights situations should be reviewed by the Human Rights Council, in a spirit of constructive dialogue, cooperation and impartiality, on the basis of objective, reliable information. It was inadmissible that some countries should use human rights as a political weapon to stigmatize others, without having the moral authority to do so since they had themselves committed crimes against humanity. There should be no repetition in the future of such a practice, which was harmful to human rights and to constructive action.

50. **Mr. Lima** (Cape Verde) expressed his conviction that human rights were indivisible and universally applicable everywhere at all times. Accordingly, as noted in a number of human rights texts, a selective approach to human rights would distort the very meaning of the struggle for human rights. Each effort to that end was so crucial that care had to be taken not to empty it of its substance, sidetrack it from its aims or undermine its foundations. That struggle, which was at the very heart of the Organization's action, must not be pursued in a context of power games and political one-sidedness; that could debase its underlying significance, impair its universality and offend the memory of all those who had given their lives for it and of those who were currently suffering personally for having demanded a minimum of respect for human dignity. Human rights must not be used as a means of pressure or, unduly politicized, as a kind of bargaining chip to escape criticism or come out on top, regardless of the consequences.

51. It was puzzling that the debate should be taking place at United Nations Headquarters, an eminently political forum, when there existed in Geneva a specialized body with every means of fully and objectively shedding light on human rights violations throughout the world. There was a danger that shifting the centre of gravity from Geneva to New York would lessen the significance of the Human Rights Council and limit the impact of efforts to promote human rights worldwide. No one should be a hostage to the political designs of anyone else in that respect, as that could well debase the ideals underpinning human rights and sap the very foundations of modernity.

52. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that her delegation regretted the submission of politically motivated country-specific draft resolutions informed by a selective approach to human rights. All human rights issues should be addressed within the Human Rights Council so as to guard against any overlap between its work and that of the Third

* The delegation of Uzbekistan subsequently informed the Committee that, had it been present during the voting, it would have voted in favour of the draft resolution.

Committee. The universal periodic review mechanism put in place by the Council was relevant in that regard.

53. Her delegation fully supported the resolution adopted in 2006 at the fourteenth Summit of the Movement of Non-Aligned Countries, which rejected the targeting of any country for political ends, and would vote against the draft resolutions submitted under agenda item 64 (c).

54. **Mr. Saeed** (Sudan) said that his delegation rejected, as a matter of principle, country-specific draft resolutions on human rights; they served political ends and in no way contributed to the promotion and protection of human rights. Such resolutions had already marred the credibility of the Commission on Human Rights, whose work had been tainted by politicization and selectivity. It had therefore been decided to set up the Human Rights Council, whose work was based on dialogue, cooperation and neutrality. The universal periodic review mechanism offered a means of considering the human rights situation in every country, big or small, and for that reason, country-specific draft resolutions were unacceptable, especially since they targeted exclusively developing countries in the southern hemisphere. His delegation would therefore vote against the draft resolutions in question and called on all other delegations to do likewise.

55. **Ms. Halabi** (Syrian Arab Republic) said that her delegation also totally rejected the selective exploitation of human rights issues for the purpose of interfering in countries' domestic affairs on the pretext of protecting those rights. That was a violation of the Charter of the United Nations, which recognized the sovereign equality of all States Members of the United Nations. Responsible and objective dialogue based on mutual respect for national sovereignty, territorial integrity, non-selectivity, transparency and absence of hegemony in international relations were the best means of fostering closer ties and promoting cooperation in support of human rights and ensuring everyone's enjoyment of those rights through laws and international instruments. Her delegation would therefore vote against draft resolution A/C.3/63/L.26.

56. **Ms. Abdelhak** (Algeria) said that her delegation had always been against resolutions focusing on the human rights situation in a particular country. Such resolutions, which were adopted every year, had revealed their limitations and, far from promoting human rights, exacerbated mistrust and hostility between countries, maintaining an atmosphere of confrontation harmful to the cause of human rights. The application of the universal periodic review mechanism had demonstrated the virtues of constructive dialogue and communication; it provided the framework in which human rights situations should be considered. Every effort should be made not to jeopardize the work of the Human Rights Council through the submission of such draft resolutions. Her delegation would therefore vote against the country-specific draft resolutions submitted at the current session.

Draft resolution A/C.3/63/L.26: Situation of human rights in the Democratic People's Republic of Korea (continued)

57. **The Chairman** said that the draft resolution had no programme budget implications.

58. **Mr. Khane** (Secretary of the Committee) recalled that Montenegro had joined the sponsors of the draft resolution at the time of its introduction.

59. **Mr. Delacroix** (France), speaking on behalf of the European Union and Japan, said that Bosnia and Herzegovina, Georgia and Turkey had also joined the sponsors. Deploring the inadequacy of the progress achieved by the Democratic People's Republic of Korea, as noted in the preamble of the draft resolution, he drew attention to the serious concerns expressed in paragraphs 1, 2 and 5 and urged the international community to rally in support of the suffering people of that country. He hoped that the widest possible support would be given to the draft resolution.

60. **Mr. Khane** (Secretary of the Committee) announced that El Salvador also wished to join in sponsoring the draft resolution.

61. **Mr. Okuda** (Japan) said that all Governments had the duty to protect and promote human rights, having regard to the specific characteristics of each people, and to intervene in the event of serious violations. It was regrettable that a draft resolution must again be submitted on the Democratic People's Republic of Korea, but there had been no real improvement in the human rights situation in that country, which refused all dialogue with the Special Rapporteur and the United Nations High Commissioner for Human Rights; moreover, the problem of the abduction of foreign nationals remained unresolved.

62. The draft resolution, far from being politically motivated or having a selective or one-sided focus, was simply aimed at promoting dialogue with the Democratic People's Republic of Korea in order to improve its human rights situation. It was true that the universal periodic review was a useful mechanism, but countries were reviewed only once every four years, even in cases of serious, large-scale violations of human rights. When the situation gave cause for concern, the international community must react immediately: the involvement of both the Human Rights Council and the Third Committee should be sought, the former by virtue of its mandate and the latter on account of its universal membership. His delegation urged all delegations to vote in favour of the draft resolution.

63. **Ms. Wong** (Singapore) said that, as a matter of principle, her delegation did not support country-specific resolutions; not only were they usually politically motivated, but they were also highly selective and counterproductive. If a country did not respect human rights, it was for the Human Rights Council, and not the Third Committee, to study the situation, under the universal periodic review. Her delegation would therefore abstain from voting on the draft resolution, as it would on all similar draft resolutions.

64. **The Chairman** announced that a recorded vote had been requested on draft resolution A/C.3/63/L.26.

65. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution, which his country strongly rejected. It was the product of a political conspiracy fomented by countries that blindly followed the United States, the worst peace disturber and human rights violator in the world. Those countries, marked through and through by every kind of crime and social evil currently being denounced by the whole world, such as discrimination, the ill-treatment of immigrants, the defamation of religions, murder and rape, were so ridiculous and hypocritical as to set themselves up as judges of others. Japan, which, to its shame, had joined the sponsors of the draft resolution, was the only criminal State to dodge the settlement of its unprecedented human rights violations and nearly every day vented its hatred against Koreans living in its territory. The machinations of South Korea were a challenge to the dignity of the Democratic People's Republic of Korea and called completely into question the joint declarations recently adopted by the two countries, to which it had even demanded that no reference should be made in the draft resolution although they had been welcomed unanimously by the United Nations. Clearly, that country was seeking confrontation with the Democratic People's Republic of Korea; its treachery would be at a price.

66. The Democratic People's Republic of Korea, which was perfectly willing to participate in the universal periodic review, refused categorically to be targeted for political ends and called on Member States to also reject that malicious attempt to politicize the issue of human rights. Even if so meaningless and worthless a resolution continued to be adopted, the people-centred socialism that the Democratic People's Republic of Korea had chosen and that its people had themselves built would remain invincible and would thrive forever. His delegation hoped that other Member States would oppose the attempt by the United States and other Western countries to politicize the issue of human rights.

67. **Mr. Acharya** (Nepal) said that, while sharing the concerns expressed by the sponsors, he considered that specific human rights issues should be addressed by the Human Rights Council through the universal periodic review mechanism. For that reason, and as a matter of principle, his delegation would abstain from voting both on the current draft resolution and on other draft resolutions of the same kind.

68. **Mr. Rastam** (Malaysia) said that human rights could not be politicized: such issues must be dealt with in an objective, impartial, transparent manner, with due respect for sovereignty and territorial integrity, under the universal periodic review. The targeting of particular countries was against the principles and purposes set out in the Charter of the United Nations. His delegation would vote, as a matter of principle, against the draft resolution concerning the Democratic People's Republic of Korea, which it called on to settle its disputes with its neighbours.

69. **Mr.** Kyaw Tin' **Swe** (Myanmar) said that his delegation was also against the politicization of human rights, bias and discrimination and would therefore vote against the draft resolution. International cooperation, not confrontation, was the key to the promotion of human rights.

70. **Ms. Morgan-Moss** (Panama) said that, in view of the seriousness of the situation in the Democratic People's Republic of Korea, her delegation would vote in favour of the draft resolution; it would do likewise for other draft resolutions of the same kind. She expressed concern, however, about the continued submission of country-specific draft resolutions to the Third Committee, considering that such issues should be referred to the Human Rights Council. Indeed, the purpose of restructuring the United Nations was to avoid such duplication and the Committee should support the work of the Human Rights Council.

71. **Mr. Chiriboga** (Ecuador) said that his delegation would abstain from voting on the draft resolution. It was the responsibility of the Human Rights Council to consider the situation in particular countries, especially when it gave cause for serious concern, under the universal periodic review, setting aside all political considerations, in a transparent, objective, impartial manner, so as to promote dialogue and cooperation.

72. **Ms. Gendi** (Egypt) said that, as a matter of principle, her country was strongly opposed to country-specific draft resolutions on human rights issues, regardless of any positive features they might have. They were selective, did not permit an objective review within the framework of international cooperation and capacity-building and did not contribute to the desired results. In the current sixtieth anniversary year of the Universal Declaration of Human Rights, such draft resolutions ran completely counter to international cooperation on human rights. Her delegation rejected categorically the attempts made by some to impose their own ideas about human rights through draft resolutions targeting particular countries. The best approach was to strengthen international mechanisms for combating violations and further develop international cooperation in order to initiate a constructive dialogue with the States concerned and achieve the desired results. Her delegation would vote against draft resolution A/C.3/63/L.26.

73. **Mr. Amorós Núñez** (Cuba) said that his delegation would vote against the draft resolution because human rights issues needed to be addressed through international cooperation in an objective and non-discriminatory fashion rather than exploited for political ends. The Human Rights Council rather than the Third Committee was the appropriate venue for addressing all such issues.

74. **Ms. Akbar** (Antigua and Barbuda) said that her delegation would abstain on principle from voting on the draft resolution on the Democratic People's Republic of Korea and all other similar draft resolutions. While unequivocally condemning all violations of fundamental rights and freedoms, which should be fully respected, her country believed that certain critical issues were best addressed through constructive dialogue and international cooperation and that all parties involved should put diplomacy first.

75. **Ms. Blum** (Colombia) said that her delegation would abstain from voting on the draft resolution. Her country was all too well acquainted with the terrible consequences of abductions, a phenomenon it had firmly addressed in its own territory and to which it was unequivocally opposed in all forms. In solidarity with victims and their families throughout the world, her country demanded the immediate and unconditional release of all abductees and renewed its call on Member States to combat that criminal practice.

76. *At the request of the representative of the Democratic People's Republic of Korea, a recorded vote was taken on draft resolution A/C.3/63/L.26.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chile, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Guinea, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Oman, Russian Federation, Somalia, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Azerbaijan, Barbados, Benin, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Congo, Côte d'Ivoire, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Gambia, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Mali, Mauritania, Mauritius, Mozambique, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zambia.

77. *Draft resolution A/C.3/63/L.26 was adopted by 95 votes to 24, with 62 abstentions.**

78. **Mr. Anshor** (Indonesia) said that he greatly regretted that again that year the problem of country-specific resolutions had arisen, and that it should be explored in depth. One of the main reasons for reforming the United Nations human rights machinery, and in particular for creating the Human Rights Council, had been to allow for non-politicized and more credible consideration of country-specific situations. While recognizing the legitimate concerns of the international community and the Human Rights Council, he believed that the Committee's consideration of the draft resolution had reflected a degree of politicization and selectivity. In the division of labour between the Committee and the Council, the consideration of country-specific situations should fall exclusively to the Council, in particular through the universal periodic review mechanism. The Committee should focus its discussions on policy and should make recommendations to the General Assembly that would assist the international community, including the Human Rights Council, in enhancing the promotion and protection of all human rights. When it came to considering the situation in a given country, the Committee had a role to play in certain cases, especially when the Council's recommendations were clearly not being applied owing to lack of cooperation by the country in question.

79. His country fully supported the international community's efforts to improve human rights situations in all countries, including the Democratic People's Republic of Korea, but believed that such action should be based on mutual respect and genuine international dialogue and cooperation. He called on the Democratic People's Republic of Korea to give due consideration to the legitimate concerns expressed by the international community, and in particular unresolved questions relating to the abduction of foreigners.

80. **Ms. Hoang Thi Thanh Nga** (Viet Nam) said that although her country shared the concerns about abductions, her delegation had voted against the draft resolution in accordance with its position of not supporting resolutions designed to single out certain countries on the pretext of protecting human rights. It supported dialogue and cooperation to promote and protect human rights, and believed that the Human Rights Council's universal periodic review was the appropriate mechanism for consideration of country-specific human rights situations.

81. **Mr. Luangmuninthone** (Lao People's Democratic Republic) said that his delegation believed that human rights questions should be considered in an international context through constructive and mutually beneficial cooperation and dialogue based on the principles of objectivity, non-selectivity, non-politicization, transparency and consideration of the political, historical, social and religious features of each country. Unfortunately, the draft resolution, which addressed a country-specific situation, did not conform to those principles and its adoption would not only create divisions and tensions among Member States but also contribute to an unwelcome politicization of the work of the General Assembly. His delegation had therefore voted against the draft resolution. His Government was opposed to all forms of abduction

* The delegation of Namibia subsequently informed the Committee that it had intended to abstain from voting on the draft resolution.

under any circumstances, and expressed its deep sympathy for the families involved. The international community should take appropriate preventive measures, but when such problems arose they should be resolved through a constructive and peaceful approach.

82. **Ms. Zhang** Dan (China) said that her delegation had always been convinced that all countries should resolve their differences on human rights issues through dialogue and cooperation, based on the principles of equality and mutual respect. China opposed the use of human rights issues to exert political pressure on developing countries. The Democratic People's Republic of Korea was a developing country which, despite facing many economic, social and development problems in the current food, energy and financial crisis, was making efforts to strengthen its cooperation with the United Nations Children's Fund (UNICEF), the World Food Programme and other organizations and had submitted periodic reports under the Convention on the Rights of the Child. In the framework of the universal periodic review mechanism, each country's situation would be considered in a transparent and equitable manner. In that context, China hoped that the international community would pursue constructive dialogue on human rights with the Democratic People's Republic of Korea. Naming and blaming would only aggravate misunderstandings and antagonism, rather than protecting and promoting human rights.

83. **Mr. Perez** (Brazil) said that his country, although concerned that the human rights situation in the Democratic People's Republic of Korea scarcely seemed to have improved, had abstained from voting on the draft resolution because it had been encouraged by the goodwill shown by that country in cooperating with human rights bodies and meeting its obligations under the universal periodic review mechanism. Brazil recognized that the Democratic People's Republic of Korea was cooperating with the World Food Programme and had renewed its contacts with the United Nations Development Programme (UNDP), but the human rights situation in that country was still a matter of concern, especially the arbitrary arrests, inhumane conditions of detention, public executions, forced labour and lack of respect for the freedom of expression and association.

84. Brazil took the opportunity to express support for strengthening the Human Rights Council as the principal United Nations body for protecting and promoting human rights. In carrying out the mandate entrusted to it by General Assembly resolution 60/251, the Human Rights Council should seek to create an environment in which any human rights issue could be considered in a true spirit of cooperation and dialogue, while as far as possible avoiding selectivity and politicization. The submission of a national report by the Democratic People's Republic of Korea in the context of the universal periodic review mechanism would be an unprecedented step towards improving relations between that country and United Nations human rights bodies, and would demonstrate that country's genuine desire to cooperate and overcome its difficulties.

85. **Mr. Strigelsky** (Belarus) said that his country supported the consideration of country-specific situations in the context of the universal periodic review mechanism established by the Human Rights Council and believed that the Committee had neither the time nor the resources necessary to carry out an in-depth and detailed technical analysis of human rights situations in Member States. Belarus had therefore voted against the draft resolution.

86. **Mr. Malhotra** (India) said that the abduction of the nationals of one country by another country was unacceptable and that his country shared the anguish of the families concerned. He hoped that the remaining cases would soon be resolved.

87. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) recalled that the Korean peninsula had been a showcase of confrontation between East and West during the cold war period. Although the cold war had come to an end in other parts of the world, it continued in the Korean peninsula. The West was collectively targeting the Democratic People's Republic of Korea on the pretext of protecting and promoting human rights. The draft resolution was motivated not by concern for human rights but by its sponsors' concern to protect and promote their political interests.

88. Japan had spoken impassively about the human rights situation in his country when Japan itself persisted in refusing to recognize or offer reparation for all kinds of crimes that it had committed in the Democratic People's Republic of Korea, including the forced conscription of more than 8.4 million young Koreans, the killing of another million, and the forced sexual slavery of 200,000 Korean women for the

Japanese army of aggression. It was therefore all the more appalling that Japan had referred to the abduction of scarcely more than a dozen persons. His country had conducted a nationwide investigation at the Japanese Government's request and had found that 13 Japanese nationals had been abducted. His country had informed the Japanese authorities at the most senior level and had officially expressed its regrets, while authorizing the return of all those involved to their families. That was the reality of the "abduction issue".

89. Protecting and promoting human rights was merely a pretext for meddling in the internal affairs of the Democratic People's Republic of Korea. The true intention of the draft resolution's sponsors was to bring about a change of Government or a change of regime in that country. That had been their objective since 2005, but although they still pursued that evil aim, they would never achieve it. The more they tried to stifle the Democratic People's Republic of Korea and the will of its people to defend and fully develop the social system that it had chosen, the more the country would prosper and grow stronger.

90. The delegation of the Democratic People's Republic of Korea expressed its sincere gratitude to those delegations which had demonstrated their support and solidarity for that country by voting against the draft resolution.

Draft resolution A/C.3/63/L.33: Situation of human rights in Myanmar (continued)

91. **The Chairman** drew the Committee's attention to the statement of programme budget implications of draft resolution A/C.3/63/L.33 (A/C.3/63/L.71).

92. **Mr.** Kyaw Tint **Swe** (Myanmar), speaking on a point of order in accordance with rule 116 of the rules of procedure of the General Assembly, called for adjournment of the debate on draft resolution A/C.3/63/L.33. The sponsors of the text were deliberately and selectively targeting Myanmar in order to exert political pressure, despite his country's cooperation with the Special Rapporteur on the situation of human rights in Myanmar and with the Special Adviser of the Secretary-General on Myanmar. Recalling the principled position previously expressed by the Cuban delegation on behalf of the Movement of Non-Aligned Countries regarding the exploitation of human rights for political purposes, Myanmar appealed to all developing countries, countries not members of the Movement, and all countries attached to that principle, to vote in favour of the no-action motion.

93. **The Chairman** announced that he would proceed in accordance with the provisions of rule 116.

94. **Ms. Zhang** Dan (China) said that her delegation supported the no-action motion because it had always opposed the practice of using country-specific draft resolutions on human rights issues to exert pressure on developing countries. She called on the countries concerned to refrain from that practice in the Committee, as it led to confrontation. The human rights situation in each country would be examined by the Human Rights Council by means of a transparent and equitable mechanism, and the countries involved should reject a draft resolution that would lead to political confrontation and instead engage in a genuine dialogue on human rights based on equality and mutual respect. Not only had the sponsors of the draft resolution in question not conducted open-ended consultations, but they had not taken into account any of the amendments proposed by China and many other countries. Such behaviour cast doubt on the sponsors' willingness to engage in dialogue and seek consensus. The no-action motion would contribute to the objective and equitable review by the Committee of all human rights issues, and China asked other delegations to support it.

95. **Mr. Lukiyantsev** (Russian Federation) said that his delegation opposed the practice of submitting unilateral country-specific draft resolutions on human rights situations which, far from resolving existing problems, led to new confrontations between Member States. Convinced that the establishment of the Human Rights Council and the universal periodic review would favour constructive cooperation based on mutual respect, and that the consideration of country-specific human rights situations was a matter for the Human Rights Council, the Russian Federation supported the no-action motion on draft resolution A/C.3/63/L.33 and invited other States to do the same.

96. **Ms. Juul** (Norway) expressed her delegation's deep regret that a no-action motion had been tabled on draft resolution A/C.3/63/L.33. All texts submitted to the Committee, regardless of their content, should be reviewed on their merits, and delegations should be allowed to comment on them. Norway opposed no-action motions on principle. While there had been much talk about the selectivity of country-specific

draft resolutions, the United Nations, including the Committee, should remain a forum for addressing such cases. Dialogue was essential, but should not preclude criticism when needed. No-action motions ran counter to the principle of dialogue and were tantamount to turning a blind eye to human rights violations. Norway urged all delegations to oppose them.

97. **Ms. Hill** (New Zealand) recalled the mandate of the General Assembly regarding the consideration of human rights situations and the adoption, for over 30 years, of resolutions on some of the most serious cases. That practice had often contributed to an improvement in a human rights situation. New Zealand was committed to dialogue and cooperation in that area and was convinced that resolutions should only be adopted after negotiations with the countries and regions concerned, and with as broad a consensus as possible. The General Assembly had a major role to play in that respect and should not remain silent. In response to delegations which feared that the Committee would be duplicating the work of the Human Rights Council, she noted that the universal periodic review would not be a substitute for the country-specific resolutions adopted by the General Assembly for a number of reasons, including, in the current case, the fact that the universal periodic review mechanism would not be considering Myanmar in 2008 and would not do so until 2011. Draft resolution A/C.3/63/L.33 raised serious concerns which remained regarding the human rights situation in Myanmar, and the Committee should give consideration to them. The New Zealand delegation would vote against the no-action motion and hoped that all other delegations would support its position.

98. *A recorded vote was taken on the motion to adjourn the debate on draft resolution A/C.3/63/L.33.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Brunei Darussalam, Cambodia, Central African Republic, Chad, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Kazakhstan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Oman, Qatar, Russian Federation, Saudi Arabia, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Benin, Brazil, Burkina Faso, Cameroon, Dominica, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Jamaica, Jordan, Kenya, Lesotho, Malawi, Mali, Mauritania, Mozambique, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Trinidad and Tobago, United Republic of Tanzania.

99. *The motion to adjourn the debate on draft resolution A/C.3/63/L.33 was rejected by 90 votes to 54, with 34 abstentions.*

100. **Mr. Khane** (Secretary of the Committee) recalled that Montenegro had joined the sponsors of the draft resolution at the time of its introduction.

101. **Mr. Delacroix** (France), speaking on behalf of the European Union and all the sponsors of draft resolution A/C.3/63/L.33, requested Member States to support the text, and announced that Bosnia and

Herzegovina and Turkey had also joined the sponsors of the draft resolution on the situation of human rights in Burma/Myanmar. He informed Member States of a slight revision to paragraph 3 (f) of the draft resolution, where the phrase "them to intensify these" should be replaced by the words "the continuation and intensification of". Recalling the main provisions of the text, and in the light of recent developments that were particularly worrying, he stressed the urgent call on the Burmese authorities to respect human rights and to cooperate fully and in good faith with the international community. The French delegation hoped that the General Assembly would be able to adopt the draft resolution.

102. **The Chairman**, responding to a point of order raised by the representative of Myanmar, recalled that the official name of the country was Myanmar and not Burma/Myanmar.

103. **Mr.** Kyaw Tint **Swe** (Myanmar) said that the draft resolution was entirely flawed in terms of both substance and procedure, and reflected the clear intention of its sponsors, which was to exert political pressure on Myanmar on the pretext of defending human rights, despite the position adopted at the outcome of the seventh Asia-Europe Meeting, in October 2008. Myanmar had demonstrated its willingness to cooperate with the international community, as the Special Adviser to the Secretary-General on Myanmar had recently emphasized to the Committee. The draft resolution did not take into account any of the measures taken by Myanmar, such as the release of and amnesty for over 9,000 persons in September 2008. The text was clearly based on allegations by exiles and members of insurgent groups who were waging a disinformation campaign, aided by other countries. It also referred to areas that were strictly within national jurisdiction, in violation of the provisions of the Charter of the United Nations. Recalling the recent adoption of draft resolution A/C.3/63/L.31, relating to unilateral coercive measures, in particular paragraph 4, he denounced the exploitation of human rights for political purposes and the use by the European Union of coercive measures against his country. Contrary to what had been said by the New Zealand delegation, the Human Rights Council was the forum where human rights situations should be considered.

104. The Government of Myanmar, among other steps, was continuing its policy of national reconciliation and its dialogue with Daw Aung San Suu Kyi, and it planned to organize multiparty elections in 2010 that would be free and fair, as publicly stated. It was unconscionable that the European Union had turned a blind eye to those tangible results, and had decided to submit a draft resolution that infringed upon Myanmar's sovereignty and that, if adopted, would set a dangerous precedent for all developing countries. The draft resolution was clearly based on political considerations and selectively targeted a country that was out of favour with the Western countries, and was an attempt by the countries of the North to exert pressure on a country of the South. He called on the delegations of all developing countries, in a spirit of solidarity, as a matter of principle and in accordance with the position taken by the Heads of State and Government of the Movement of Non-Aligned Countries, to vote against the European Union's politicized country-specific draft resolution. He requested that a recorded vote should be taken.

105. **The Chairman** said that, in view of the time, the Committee would continue the debate on draft resolution A/C.3/63/L.33 in the afternoon.

106. **Mr.** Kyaw Tint **Swe** (Myanmar), speaking on a point of order, asked whether the rules of procedure allowed voting to be suspended. If that was not the case, he asked for the Committee to proceed to vote on the draft resolution.

107. **Mr. Saeed** (Sudan), speaking on a point of order, said that he shared the opinion of the representative of Myanmar and recalled that the same situation had arisen at the previous session; he requested clarification from the Secretariat as to how the Committee should proceed. Postponing the decision when the procedure was under way ran the risk of setting a precedent and engendering a very complex situation. The debate on the draft resolution should continue in accordance with the rules of procedure.

108. **Mr. Khane** (Secretary of the Committee), after reading out rule 128 of the rules of procedure, indicated that the voting procedure itself had not yet begun. The Committee had not reached that stage as the Chairman had not yet announced that a recorded vote had been requested.

The meeting rose at 1.10 p.m.

United Nations A/C.3/63/SR.45

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Summary record of the 45th meeting
Held at Headquarters, New York, on Friday, 21 November 2008, at 3 p.m.

Chairman: Mr. Majoor ..... (Netherlands)

Contents

Agenda item 64: Promotion and protection of human rights (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Agenda item 56: Advancement of women (*continued*)

(a) Advancement of women (*continued*)

Agenda item 62: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

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The meeting was called to order at 3.15 p.m.

Agenda item 64: Promotion and protection of human rights (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/63/L.33 and L.40)

Draft resolution A/C.3/63/L.33: Situation of human rights in Myanmar (continued)

1. **Mr. Delacroix** (France) clarified that Bosnia and Herzegovina and Turkey should be added to the list of sponsors of draft resolution A/C.3/63/L.33 on the situation of human rights in Burma.

2. **Mr.** Kyaw Tint **Swe** (Myanmar), speaking on a point of order, said that his country should be referred to by its official name. He asked the Chairman to make a ruling on the matter or to request an advisory opinion from the Legal Counsel.

3. **The Chairman** reminded delegations that the delegation of Myanmar wished to be referred to by its officially recognized name.

4. **Mr. Cabral** (Guinea-Bissau), speaking on a point of order, said he believed that all delegations, not just that of Myanmar, felt that Member States should, as a matter of courtesy, be referred to by their names as given in United Nations documents.

5. **The Chairman** said that a recorded vote had been requested on draft resolution A/C.3/63/L.33.

6. **Mr. Degia** (Barbados), making a general statement, said that the establishment of the Human Rights Council should have ushered in a new era of addressing human rights issues through dialogue and cooperation, in a non-selective and non-politicized manner. It was disappointing that Committee members continued to take a highly political, divisive and confrontational attitude. His country's consistent position was to support no-action motions and to abstain from voting on any country-specific draft resolutions, as they were neither helpful nor productive; the situations to which they referred should instead be addressed by the relevant mechanisms of the Human Rights Council. His country's action should not be misconstrued as a lack of concern for human rights. Barbados continued to be concerned about human rights abuses in many parts of the world and urged all States to engage in dialogue to address them.

7. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), speaking in explanation of vote before the voting, said that the European Union continued to interfere in Myanmar's internal affairs by submitting resolutions on the human rights situation in that country. Human rights could not be imposed from outside and could only be advanced through dialogue, cooperation and engagement. As a member of the Movement of Non-Aligned Countries, the Democratic People's Republic of Korea opposed country-specific resolutions and would vote against the draft resolution under consideration.

8. **Mr. Rastam** (Malaysia) said that his country would vote against the draft resolution, as human rights should not be exploited for political purposes and focusing on individual countries was contrary to the purposes and principles of the Charter of the United Nations. The universal periodic review process of the Human Rights Council should be used to address human rights issues in a fair and transparent manner. He encouraged Myanmar to continue its cooperation with the good offices mandate of the Secretary-General.

9. **Ms. Gendi** (Egypt) reiterated her country's firm stance against the consideration of country-specific draft resolutions in the Third Committee, irrespective of their merit because they politicized human rights issues and fostered selectivity and confrontation. Such resolutions left no room for objective, constructive multilateral discussions to strengthen countries' capacity to develop human rights on their own. Human rights issues ought to be addressed in the context of the universal periodic review. Her delegation would vote against the draft resolution.

10. **Mr. Punkrasin** (Thailand) said that Thailand wished for stability, peace and development in neighbouring Myanmar and continued to support the good offices mandate of the Secretary-General. His country also appreciated the important developments of the past year, including the visits to Myanmar by the Secretary-General, by his Special Adviser on Myanmar and by the Special Rapporteur on the situation of human rights in Myanmar. The positive results included the scheduling of general elections for 2010; every effort should be made to ensure that they were free, fair and meaningful to the people of Myanmar.

11. Thailand shared the concerns expressed about the human rights situation in Myanmar, but firmly believed

that constructive dialogue was the most effective way forward. The response to Cyclone Nargis, led by the Association of Southeast Asian Nations (ASEAN), and the partnership between Myanmar, ASEAN and the United Nations in the post-Nargis humanitarian operations had demonstrated that progress could be achieved through engagement and cooperation rather than isolation and confrontation. His country also supported the efforts to establish an ASEAN human rights body.

12. The future of Myanmar lay in the hands of its people. Thailand would continue to work closely with Myanmar, other ASEAN members, regional partners and the United Nations in support of the momentum for national reconciliation and democratization in Myanmar. Thailand would therefore abstain from voting on the draft resolution.

13. **Mr. Chiriboga** (Ecuador) said that the international community had the competence to consider human rights in all countries, but should do so through the Human Rights Council, particularly its universal periodic review mechanism, which made it possible to consider human rights in a comprehensive, objective, depoliticized and non-selective way. The Council also had specific mechanisms for addressing urgent situations involving human rights violations. His delegation would therefore abstain from voting on the draft resolution.

14. **Mr. Ja'afari** (Syrian Arab Republic) said that no State should interfere in the internal affairs of any other State on the pretext of defending human rights. The principle of the sovereign equality of all States was enshrined in the Charter of the United Nations. Human rights issues should be addressed through responsible, objective, transparent, respectful and non-selective dialogue, taking into consideration national, regional, cultural and religious particularities. The appropriate forum for such dialogue was the Human Rights Council. However, some Member States insisted on tabling country-specific draft resolutions for political reasons. In so doing, they threatened the credibility of international political and legal mandates and weakened consensus on human rights mechanisms. His delegation would vote against the draft resolution.

15. *A recorded vote was taken on draft resolution A/C.3/63/L.33.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Niger, Oman, Russian Federation, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Barbados, Benin, Bhutan, Bolivia, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Comoros, Congo, Dominica, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Liberia, Malawi, Mali, Mauritania, Mozambique, Nepal, Pakistan, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Solomon Islands,

South Africa, Suriname, Swaziland, Thailand, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

16. *Draft resolution A/C.3/63/L.33 was adopted by 89 votes to 29, with 63 abstentions.**

17. **Mr. Strigelsky** (Belarus) said that his delegation had voted against the draft resolution for the reasons given at the previous meeting in relation to the vote on the draft resolution on the situation of human rights in the Democratic People's Republic of Korea.

18. **Mr. Perez** (Brazil) said that Brazil had voted in favour of the draft resolution. The Brazilian Government welcomed the progress made in the context of the seven-step road map for political transition, the recent visits of the Special Rapporteur and the Secretary-General and the release of some prisoners of conscience. However, many political activists were still arbitrarily detained, allegedly in very harsh conditions, and the Government appeared unable to curb the violent repression of peaceful demonstrations or to refrain from imposing extreme security measures. The need to protect minority rights and the plight of internally displaced persons were also causes of concern. Myanmar should continue its comprehensive dialogue with the Human Rights Council, which was the body primarily responsible for promoting and protecting human rights.

19. **Mr. Amorós Núñez** (Cuba) said that his delegation maintained its principled position against the exploitation of human rights for political purposes and rejected selectivity and double standards in that area. In addressing human rights issues, it was important to apply the principles of genuine cooperation, universality, non-selectivity and objectivity, in the context of international law. The Human Rights Council was the most appropriate body for that purpose.

20. **Mr. Malhotra** (India) said that his country had consistently emphasized the importance of promoting and protecting human rights through dialogue, consultation and cooperation. Initiatives concerning Myanmar should be undertaken in a forward-looking and non-condemnatory spirit in order to engage the Government of Myanmar in a non-intrusive, non-confrontational and constructive manner. The Government of Myanmar was well aware of India's views on the need for inclusive political reform and for progress in national reconciliation, as well as its support for the good offices mission of the Secretary-General. India had voted against the draft resolution because it was condemnatory and possibly counterproductive. It did not reflect the recent positive steps taken by Myanmar, including dialogue with the United Nations on political, humanitarian and human rights issues, and political reform measures in accordance with the seven-step road map for the transition to democracy. Myanmar had facilitated the visits of the Special Rapporteur and the Special Adviser earlier in 2008 and had recently released more than 9,000 prisoners.

21. **Mr. Anshor** (Indonesia) said that he regretted the failure to reach a consensus on the draft resolution, despite the call from the Secretary-General and the Special Rapporteur for a common approach from the international community. Indonesia had not voted in favour of the draft resolution because it was divisive. The current year had seen notable progress in the promotion of national dialogue and reconciliation, and a consensus text from the Committee would have sent a strong and united message of support to Myanmar. The sponsors should adopt a new approach to facilitating such a consensus. His delegation supported some aspects of the draft, but felt that it was important to acknowledge the positive actions taken recently by Myanmar. Indonesia continued to support a peaceful transition in Myanmar, while recognizing the enormity of that task.

22. **Ms. Hoang Thi Thanh Nga** (Viet Nam) said that her delegation had voted against the draft resolution. Viet Nam, as a neighbour, supported all efforts to achieve peace, stability and development in Myanmar, including the Secretary-General's efforts to help Myanmar find a solution through national reconciliation, social stability and economic development. The United Nations and the international community should build on the progress achieved thus far, which included the developments seen during the recent visit to Myanmar by the Secretary-General's Special Adviser. The draft resolution failed to reflect that approach.

23. **Mr. Okuda** (Japan) said that his delegation supported the overall message of the draft resolution and had voted in favour of it, but was concerned that

* The delegations of Namibia and Niger subsequently informed the Committee that they had intended to abstain.

the draft text had been submitted without substantial discussion of the proposals made by Japan and other Asian countries. Japan had proposed an amendment welcoming the steps taken in the past year, including the announcement of a time frame for democratization and the release of some political prisoners. His delegation regretted that those proposals had not been incorporated into the text.

24. The Government of Japan was also deeply concerned at the long-term imprisonment of a large number of political activists and would spare no effort to assist Myanmar in promoting the democratization process.

25. **Mr. González** (Costa Rica) said that his delegation had voted in favour of the draft resolution and maintained its principled position of voting against all no-action motions, as they prevented the Committee from considering specific actions taken by countries to improve their human rights situation. A number of situations involving serious human rights violations were referred to in draft resolutions before the Committee, and he called on the Member States concerned to heed the call of the international community.

26. The Human Rights Council had the main competence with regard to human rights. Implementation of the universal periodic review mechanism would strengthen the Council's credibility, as it would ensure equal treatment for all Member States.

27. Constructive dialogue and cooperation should guide the way forward. The Human Rights Council should be given the opportunity to carry out the function for which it had been created, and he respectfully called on all Member States to refrain from addressing the issue of country-specific resolutions in the same way as in previous sessions.

28. **Mr.** Kyaw Tint **Swe** (Myanmar) said that the voting results reflected the tyranny of a minority. The 46 sponsors, led by the European Union, had garnered only 89 votes for the draft resolution, despite the tremendous political pressures exerted. The draft resolution had no moral authority and was contrary to Article 2, paragraph 7, of the Charter, which clearly stipulated that nothing contained in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. His delegation would have stood alone, if necessary, in opposing the draft resolution, and he expressed appreciation to those Member States which had shared Myanmar's principled position by either voting against the draft resolution or abstaining.

29. The politicization of human rights would not be tolerated. Those issues should be addressed within their global context through a constructive dialogue based on the principles of objectivity, respect for national sovereignty and territorial integrity and non-interference in the internal affairs of States. Myanmar would continue to oppose the exploitation of human rights for political purposes and blatant attempts to interfere in its internal affairs. His country opposed all measures that selectively targeted developing countries and would reject any attempt to subvert the will of its people as freely expressed in the nationwide referendum of May 2008. His delegation rejected and dissociated itself from the draft resolution and wished to place on record that Myanmar was not bound by its provisions. Myanmar would continue with the seven-step road map and the smooth transition to democracy, cooperating with the United Nations and the good offices role of the Secretary-General. Cooperation with the United Nations was a cornerstone of Myanmar's foreign policy.

Draft resolution A/C.3/63/L.40: Situation of human rights in the Islamic Republic of Iran

30. **The Chairman** said that the draft resolution had no programme budget implications.

31. **Mr. McNee** (Canada) said that the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution, bringing the total to 44 sponsors. Since the Committee had last adopted a resolution on the subject, there had been a continued deterioration in the Iranian Government's performance in protecting the human rights and fundamental freedoms of its people. The sponsors had not taken lightly the decision to submit the draft resolution. They all looked forward to the day when the Iranian Government's willingness to abide by its human rights obligations would make such resolutions unnecessary. Until then, the Committee, with its universal membership, remained the key avenue for encouraging positive change.

32. **Mr. Khazaee** (Islamic Republic of Iran), speaking on a point of order, moved the adjournment of

the debate on draft resolution A/C.3/63/L.40 in accordance with rule 116 of the rules of procedure.

33. **The Chairman** invited two representatives to speak in favour of, and two against, the motion before it was put to a vote in accordance with rule 116.

34. **Ms. Nawaz** (Pakistan) said that she supported the motion to adjourn the debate. All human rights were universal, indivisible, interdependent and interrelated. The international human rights agenda should be addressed in a fair and balanced manner through dialogue and cooperation, rather than exclusion and confrontation. Country-specific resolutions did not promote human rights, but only politicized them. Such resolutions also often overlooked the efforts made by the countries concerned and created barriers to constructive dialogue between Member States and international human rights mechanisms. Her delegation therefore supported the no-action motion and urged all delegations to vote in favour of it.

35. **Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) said that the Bolivarian Republic of Venezuela supported the no-action motion because the draft resolution was politicized and selective and reflected double standards. He urged all delegations to support the motion and to prevent the exploitation of human rights as a tool for intervention, criminalization and political pressure.

36. **Mr. McNee** (Canada), speaking against the no-action motion, said that the draft resolution had been sponsored by 44 Member States, which believed that the Committee had the right and duty to consider it. The Committee had universal membership, and human rights issues were an explicit part of its jurisdiction. By refusing to consider such an issue, the Committee would undermine the credibility of the General Assembly, silence its Members, reward the misuse of the rules of procedure and discourage human rights defenders around the world. Moreover, the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran had been issued at the Committee's own request. It would be absurd not to take action on the findings of that report.

37. **Mr. Hill** (Australia), speaking against the no-action motion on behalf also of Andorra, Iceland, Liechtenstein, Norway, Palau, the Republic of Korea, San Marino and the former Yugoslav Republic of Macedonia, said that the Committee had the jurisdiction and responsibility to debate human rights issues. The no-action motion misused the rules of procedure and would undermine the credibility of the Committee and the General Assembly.

38. *A recorded vote was taken on the motion for the adjournment of the debate on draft resolution A/C.3/63/L.40.*

In favour:

Afghanistan, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bangladesh, Barbados, Belarus, Bolivia, Brunei Darussalam, Cambodia, Central African Republic, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Gambia, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malawi, Malaysia, Mali, Mauritania, Myanmar, Namibia, Nicaragua, Oman, Pakistan, Philippines, Qatar, Russian Federation, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Antigua and Barbuda, Belize, Benin, Bhutan, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Dominica, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Grenada, Guyana, Jamaica, Jordan, Lesotho, Mauritius, Mozambique, Nepal, Niger, Nigeria, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Trinidad and Tobago, United Republic of Tanzania.

39. *The motion for the adjournment of the debate on draft resolution A/C.3/63/L.40 was rejected by 81 votes to 71, with 28 abstentions.**

40. **Mr. McNee** (Canada), speaking on behalf of the sponsors, said that, by adopting the draft resolution, the Committee would assure human rights defenders in the Islamic Republic of Iran that they had the support of the international community. The report of the Secretary-General had confirmed the serious concerns of the General Assembly regarding human rights in that country. Efforts had been made to ensure that the text of the draft resolution was balanced and based on the findings of that report. Paragraph 38 of the report noted a moratorium on juvenile executions, yet another such execution had been carried out only recently, the seventh in 2008. The report had also pointed to a poor record in reporting to international human rights mechanisms. The Committee had an obligation to hold the Government of the Islamic Republic of Iran accountable.

41. *A recorded vote was requested on draft resolution A/C.3/63/L.40.*

42. **Mr. Strigelsky** (Belarus), speaking in explanation of vote before the voting, said that the introduction of the draft resolution was unjustified and politicized, and only contributed to creating a counterproductive atmosphere in the Committee. Country-specific draft resolutions should be considered in the Human Rights Council, which had mechanisms in place to examine human rights issues in a comprehensive and expert manner. His delegation would vote against the draft resolution.

43. **Mr. Ja'afari** (Syrian Arab Republic) said it was unfortunate that certain Member States insisted on submitting politically motivated country-specific resolutions. Human rights issues should not be used selectively to interfere in the internal affairs of certain States. Responsible, objective dialogue was needed in order to protect the basic rights and freedoms enshrined in the Universal Declaration of Human Rights and other international instruments. Country-specific draft resolutions were contrary to those principles. Moreover, they duplicated the work of the Human Rights Council, which had been established to promote transparent cooperation and constituted the appropriate forum for such discussions.

44. The fact that Israel was listed as a sponsor further weakened the draft resolution's credibility. Israel's crimes against humanity in the occupied Arab territories were widely known; indeed, many of the sponsors were aware of them. Israel continued to build settlements and to maintain its stranglehold on the Palestinian people. The draft resolution clearly targeted the Islamic Republic of Iran for political purposes, and he urged all delegations to vote against it.

45. **Ms. Awino-Kafeero** (Uganda), speaking on behalf of the Organization of the Islamic Conference (OIC), said that OIC continued to oppose the submission of country-specific draft resolutions on human rights situations, as that practice politicized the work of human rights bodies instead of advancing the promotion of human rights. OIC thus urged Member States to oppose the draft resolution.

46. **Ms. Gendi** (Egypt) said that her delegation opposed the submission of country-specific draft resolutions regardless of their content, as that practice reflected a double standard and impeded the objective examination of human rights situations in a framework of cooperation and dialogue. Country-specific issues should be examined through the Human Rights Council's universal periodic review mechanism. Her delegation would vote against the draft resolution.

47. **Mr. Chiriboga** (Ecuador) said that although his delegation had concerns about human rights violations in certain countries, such concerns would best be addressed by the Human Rights Council through its universal periodic review mechanism, which was transparent, objective and non-selective. It was thus urgent to bring such matters before the Human Rights Council, and his delegation stood ready to consider cases of serious or massive human rights violations in extraordinary sessions of the Council, if necessary. It was regrettable that some countries did not provide the

* The delegation of Argentina subsequently informed the Committee that it had intended to vote against the no-action motion.

same level of support to the Council and continued to undermine its work through politicized actions. For those reasons, Ecuador would abstain from voting.

48. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that the draft resolution reflected a selective and politicized process and that the Human Rights Council was the ideal forum for dealing with such human rights issues. Accordingly, her delegation would vote against the draft resolution.

49. **Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) said that his delegation would vote against the draft resolution, since its adoption could open the floodgates for the submission of similar draft resolutions on human rights situations across the world at the following session. That would give rise to more conflict in the Committee's discussions and significantly complicate its work.

50. **Ms. Medal** (Nicaragua) said that her delegation rejected selective, politicized approaches to human rights. The Human Rights Council was the best forum for examining human rights issues, including country-specific situations, through its universal periodic review mechanism, in which all countries were examined on an equal footing. Her delegation would thus continue to vote against draft resolutions that singled out specific countries.

51. **Mr. Amorós Núñez** (Cuba) said that his delegation opposed the use of human rights and the singling out of particular countries for reasons that were not relevant to the issue at hand, including the promotion of certain countries' geopolitical and hegemonic interests. It was important to reject and condemn selectivity and double standards in the promotion and protection of human rights. The Human Rights Council and its universal periodic review process provided the ideal framework for promoting genuine international cooperation on human rights situations of concern. His delegation would thus vote against the draft resolution.

52. **Mr. Rezvani** (Islamic Republic of Iran) said his delegation had requested a vote on the draft resolution because the text was politically motivated and lacked objectivity. It made use of procedural loopholes and contained a number of mendacious and unsubstantiated claims. As a result of a bilateral legal dispute, Canada had launched a disinformation campaign against his country. A majority of Member States realized that Canada's conduct was neither fair nor honest: most had opposed or abstained on such draft resolutions, or had refrained from voting.

53. The Government of Canada claimed a leading role in human rights advocacy. Yet numerous credible sources, including United Nations agencies, had found that Canada failed to comply with its international obligations, systematically violating the rights of its own citizens and of migrants and resident aliens. Illicit chemical agents had been used for crowd control. Indigenous groups were subjected to social exclusion, discrimination, unlawful detention and police brutality, while being denied adequate housing, food and water. The so-called war on terror was being used to harass the Muslim community.

54. The international community should address human rights issues all over the world, without exceptions or ulterior motives. The Human Rights Council was the sole body responsible for doing so. His country had helped establish the universal periodic review mechanism and would be considered under that mechanism in 2010. Country-specific resolutions merely duplicated that process and undermined the Council.

55. The Islamic Republic of Iran was a party to the major international human rights instruments. Drawing on its national, regional, historical and religious background and on deeply rooted values, it had continually called for an interactive and cooperative approach to human rights issues. Its target-oriented policy included measures to remove obstacles to that process. He invited all Member States to vote against the draft resolution.

56. *A recorded vote was taken on draft resolution A/C.3/63/L.40.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Samoa, San

Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Gambia, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Myanmar, Nicaragua, Niger, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Serbia, Somalia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Congo, Côte d'Ivoire, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Georgia, Ghana, Grenada, Guatemala, Guyana, Haiti, Ireland, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Papua New Guinea, Paraguay, Philippines, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Singapore, Solomon Islands, Suriname, Swaziland, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

57. *Draft resolution A/C.3/63/L.40 was adopted by 70 votes to 51, with 60 abstentions.**

58. **Mr. Okuda** (Japan) said that his delegation had voted in favour of the text because the human rights situation in the Islamic Republic of Iran required further improvement. Nevertheless, his delegation appreciated the Iranian Government's cooperative approach during a recent meeting with the Government of Japan to discuss human rights, particularly the initiative to improve the country's judicial system. His delegation also welcomed the Iranian Government's decision to make the death penalty inapplicable to juveniles under the age of 18, and would continue to engage in constructive dialogue with that Government with a view to improving the country's human rights situation.

59. **Mr. Perez** (Brazil) said that his delegation had abstained from voting because his Government strongly supported the consolidation of the Human Rights Council as the main body responsible for the promotion and protection of human rights. However, his delegation continued to note with concern the human rights situation in the Islamic Republic of Iran, especially with regard to women's rights, freedom of speech and association, the perceived lack of due process, juvenile executions, public executions and inhumane or degrading treatment, and minority rights, particularly those of the Baha'i community. Nevertheless, he also noted that progress had been made regarding social, economic and cultural rights, particularly the right to health care, and positive steps had been taken towards legal reform, especially for the correction of discriminatory laws. He noted the Iranian Government's enhanced cooperation with the United Nations and its standing invitation to Human Rights Council special procedures mandate holders, and hoped that the Iranian Government would strengthen dialogue with the Human Rights Council and other human rights mechanisms.

Agenda item 56: Advancement of women (*continued*)

(a) Advancement of women (*continued*) (A/C.3/63/L.13/Rev.1)

Draft resolution A/C.3/63/L.13/Rev.1: Trafficking in women and girls

60. **The Chairman** said that the draft resolution had no programme budget implications.

61. **Ms. Banzon-Abalos** (Philippines) informed the Committee that Albania, Andorra, Austria, Bulgaria, Colombia, Costa Rica, Croatia, the Czech Republic, the Dominican Republic, Finland, Germany, Guatemala, Israel, Italy, Luxembourg, Malta, Poland, Slovakia, Slovenia, Spain, Thailand, the United Republic of Tanzania, the United Kingdom of Great

* The delegation of Ireland subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

Britain and Northern Ireland, the United States of America and Uruguay had joined in sponsoring the draft resolution.

62. **Mr. Khane** (Secretary of the Committee) announced that Angola, Australia, the Bahamas, Bangladesh, Belgium, Benin, Bosnia and Herzegovina, Burundi, Cape Verde, Chad, the Congo, Cyprus, Denmark, Estonia, France, the Gambia, Greece, Grenada, Hungary, Iceland, Iraq, Ireland, Jamaica, Latvia, Lebanon, Lesotho, Lithuania, Mali, Monaco, Montenegro, Morocco, the Netherlands, Nicaragua, Norway, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Saint Lucia, San Marino, Sierra Leone, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, Venezuela (Bolivarian Republic of) and Zambia had also joined in sponsoring the draft resolution.

63. **Mr. Ochoa** (Mexico) said that his delegation agreed that Governments should prevent victims of trafficking from being prosecuted, as provided in paragraph 12 of the draft. However, the use of the word "illegal" was unfortunate, as it might imply that victims could be subject to criminal penalties. Moreover, the qualification "within their legal framework and in accordance with national policies" weakened the force of the appeal to Governments. It was regrettable that the Committee had not been able to agree on clear language that would add value for victims of trafficking; as it stood, the text was open to misinterpretation. Nevertheless, as his delegation attached great importance to the protection of victims of trafficking, and believed that the draft did contain some good provisions, it would join the consensus on the draft.

64. **Mr. Chiriboga** (Ecuador) said that his delegation defended the basic right of universal citizenship, as reflected in Ecuador's Constitution. Accordingly, it did not view any citizen as "illegal", and thus could not support language that ran counter to that basic principle. Nevertheless, his delegation would join the consensus on the draft, as it was deeply concerned about human trafficking, particularly of women and girls. That concern was reflected in its own national efforts and its commitment to all international initiatives to combat such trafficking.

65. *Draft resolution A/C.3/63/L.13/Rev.1 was adopted.*

Agenda item 62: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/63/L.53/Rev.1 and L.72)

Draft resolution A/C.3/63/L.53/Rev.1: International Convention on the Elimination of All Forms of Racial Discrimination

66. **Mr. Khane** (Secretary of the Committee) said that, at the time the draft resolution had been introduced, Andorra, Azerbaijan, Bangladesh, Bulgaria, Cape Verde, Chile, China, the Congo, the Dominican Republic, Ecuador, Guatemala, Ireland, Kazakhstan, the Netherlands, the Niger, Nigeria, Norway, Panama, the Republic of Korea, Serbia, Spain, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste and the United Republic of Tanzania had joined the sponsors.

67. **The Chairman** drew the Committee's attention to the statement on the programme budget implications of the draft resolution (A/C.3/63/L.72).

68. **Ms. Klopčič** (Slovenia) said that, since the introduction of the draft resolution, the Czech Republic, Germany and Malta had joined the sponsors. The draft resolution was an attempt to respond to the request to extend the meeting time of the Committee on the Elimination of Racial Discrimination. The International Convention on the Elimination of All Forms of Racial Discrimination was one of the most widely ratified international human rights instruments. Since 28 country reports were currently awaiting consideration, it had been deemed advisable to increase that Committee's total meeting time to eight weeks a year. She hoped that the draft resolution could be adopted by consensus. Failing that, all delegations should at least support the draft resolution's main objective of providing for additional meeting time, as specified in paragraph 13 of the draft.

69. **Mr. Khane** (Secretary of the Committee) said that Angola, Armenia, Benin, Burundi, Canada, Finland, France, Greece, Guinea, Liberia, Uganda and Ukraine had also joined in sponsoring the draft resolution.

70. **Mr. Hagen** (United States of America) requested a separate vote on paragraph 13 of the draft resolution.

71. **Ms. Rondeux** (Belgium) said that, as one of the sponsors of the draft resolution, her delegation regretted the request for a separate vote. The paragraph in question was an essential new element, since it provided for an additional two weeks of annual meeting time. Without such an extension, the Committee on the Elimination of Racial Discrimination would never be able to cope with its workload.

72. *At the request of the representative of the United States of America, a recorded vote was taken on paragraph 13 of draft resolution A/C.3/63/L.53/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Fiji, Japan, Malaysia, Mozambique, Poland, Singapore, Sri Lanka, United Kingdom of Great Britain and Northern Ireland.

73. *Paragraph 13 of draft resolution A/C.3/63/L.53/Rev.1 was retained by 165 votes to 1, with 8 abstentions.*

74. **Mr. Attiya** (Egypt), speaking on a point of order, said that it had been the past practice of the Committee, in cases of a separate vote under rule 129 of the rules of procedure, to put the entire draft resolution to a vote.

75. **Mr. Khane** (Secretary of the Committee) said that the Committee had discussed the issue five years previously. According to rule 129, a motion for division would be voted upon only if an objection was made to the request for a separate vote. If the motion was carried, a vote would then be taken on the whole. Since, however, no objection had been expressed to the motion, rule 129 did not apply.

76. **The Chairman** said that he agreed with the Secretary's interpretation. If, however, the representative of Egypt wished to request a recorded vote on the draft resolution as a whole, he was free to do so.

77. **Mr. Attiya** (Egypt) asked for clarification regarding the Committee's practice, since on previous occasions a different interpretation had prevailed.

78. **The Chairman** said that the Office of Legal Affairs had expressed the view in the past that, in the absence of an objection to a separate vote, the proposal could be adopted as a whole without a vote, unless rule 130 applied.

79. **Mr. Khane** (Secretary of the Committee) said that it was the well-established practice of all the Main Committees of the General Assembly, and of the Assembly itself at its plenary meetings, not to vote automatically on a draft resolution in the absence of a

formal request to that effect, including in cases of a divided proposal.

80. **Mr. Attiya** (Egypt) asked the Secretary to specify the number of times during the Committee's recent sessions that a vote had been taken on divided draft resolutions.

81. **Mr. Khane** (Secretary of the Committee) said that he would investigate the matter and provide the requested information in due course.

82. **Ms. Hill** (New Zealand) said that, although it might have been past practice to vote on divided draft resolutions, that practice had rightly been considered regrettable and had therefore been abandoned.

83. **Mr. Attiya** (Egypt) expressed regret that a separate vote had been requested on a draft resolution that had traditionally been adopted by consensus. In view of the separate vote, however, and the lack of evidence of any break in the Committee's past practice under rule 129, he requested a recorded vote on the draft resolution as a whole. He urged all delegations to vote in favour of it.

84. **Mr. Malhotra** (India), supported by **Ms. Taracena Secaira** (Guatemala) and **Ms. Kafanabo** (United Republic of Tanzania), said that the draft resolution was too important to be held up by procedural considerations and requested the representative of Egypt to withdraw his request for a vote.

85. **Ms. Zhang** Dan (China) suggested that a decision on the draft resolution should be postponed until the Secretary had clarified the Committee's past practice.

86. **The Chairman** said that there was no need for that, since he had given a ruling based on his considered opinion and United Nations practice. Was the representative of Egypt contesting his ruling?

87. **Mr. Attiya** (Egypt) said that he respected the Chairman's ruling but still wished for a vote to be taken on the draft resolution.

88. **Mr. Delacroix** (France) said that a vote could not be taken on the basis of rule 129.

89. **Ms. Kreibich** (Germany), speaking on a point of order, said that a vote should be taken on the Chairman's ruling, in accordance with rule 113 of the rules of procedure.

90. **The Chairman** pointed out that the representative of Egypt was not contesting his ruling.

91. **Mr. Ja'afari** (Syrian Arab Republic) said that he agreed with the Egyptian delegation's interpretation of rule 129, which did indeed require that the draft resolution should be voted upon as a whole.

92. **Ms. Rondeux** (Belgium) said she regretted that the draft resolution was being used as a procedural battleground; it should be adopted by consensus. She also proposed a vote on the Chairman's ruling.

93. **The Chairman** repeated that his ruling stood, since it had not been contested. The request for a vote made by the representative of Egypt was not linked either to his ruling or to rule 129.

94. **Mr. Rastam** (Malaysia), speaking in explanation of vote before the voting, said that, although Malaysia was not a party to the International Convention on the Elimination of All Forms of Racial Discrimination, his delegation recognized its importance and would vote in favour of the draft resolution.

95. *At the request of the representative of Egypt, a recorded vote was taken on draft resolution A/C.3/63/L.53/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia,

Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Against:

None.

Abstaining:

None.

96. *Draft resolution A/C.3/63/L.53/Rev.1 was adopted by 178 votes to none.*

The meeting rose at 6.25 p.m.

United Nations A/C.3/63/SR.46

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Held at Headquarters, New York, on Monday, 24 November 2008, at 10 a.m.

Chairman: Mr. Majoor ..... (Netherlands)

Contents

Agenda item 62: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

Agenda item 63: Right of peoples to self-determination (*continued*)

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 56: Advancement of women (*continued*)

Agenda item 64: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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08-61625 (E)

The meeting was called to order at 10.25 a.m.

Agenda item 62: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/63/L.53/Rev.1 and A/C.3/63/L.72)

Draft resolution A/C.3/63/L.53/Rev.1: International Convention on the Elimination of All Forms of Racial Discrimination (continued)

1. **The Chairman** invited any members who wished to do so to make an explanation of vote after the vote on draft resolution A/C.3/63/L.53/Rev.1, which had been adopted at the previous meeting.

2. **Mr. Kurosaki** (Japan) said that although Japan had traditionally sponsored the annual resolution on the subject, and although it too was concerned about the serious backlog of periodic reports in the Committee on the Elimination of Discrimination, the solution proposed in the draft resolution had programme budget implications of the kind that were impairing the normal functioning of the United Nations financial system, and Japan, while voting in favour of the draft resolution, had therefore withdrawn its sponsorship. In the Organization's straitened financial circumstances, only the most cost-effective measures should be proposed and the costs should be covered by existing resources wherever possible. The Committee should strive to dispose of its backlog within the specified period and should continue to improve its working methods.

3. **Mr. Sng** Tek Yean (Singapore) said that although Singapore was not a party to the Convention, his delegation had supported the draft resolution because it was important for States parties to fulfil their reporting obligations under the Convention.

4. **Mr. Babadoudou** (Benin), speaking on a procedural point, noted that since the Committee had voted on draft resolution A/C.3/63/L.53/Rev.1 at the previous meeting under rule 129 of the rules of procedure of the General Assembly, the recorded vote had been taken not because Egypt had requested it but because a separate vote had been requested on a part of that draft resolution.

Agenda item 63: Right of peoples to self-determination (*continued*) (A/C.3/63/L.50/Rev.1)

Draft resolution A/C.3/63/L.50/Rev.1: Use of mercenaries as a means of violating human rights and impeding the exercise of peoples' self-determination

5. **Mr. Khane** (Secretary of the Committee), referring to the programme budget implications of the draft resolution, said that, in connection with paragraph 19, the total provision of $646,900 per biennium required to implement the activities of the Working Group was included in the programme budget for the biennium 2008-2009 under section 2, General Assembly and Economic and Social Council affairs and conference management ($211,700); section 23, Human rights ($427,400), and section 28 E, Administration, Geneva ($7,800). Under the terms of Human Rights Council resolution 7/21, an additional required total of $665,700 would be included in the programme budget for the biennium 2008-2009 under section 2 ($477,100); section 23 ($161,200); section 28 D, Office of Central Support Services ($19,600) and section 28 E ($7,800), to provide for additional activities mandated by the resolution. The Secretariat, in its report on revised estimates resulting from the resolutions adopted by the Human Rights Council at its seventh session, was proposing to meet the additional requirements within resources available for the biennium 2008-2009. Accordingly, should the Committee adopt the draft resolution, there would be no additional appropriation required.

6. With regard again to paragraph 19, attention was drawn to provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

7. He also wished to inform the Committee that the following States had become sponsors of the draft resolution: Algeria, Côte d'Ivoire, the Dominican Republic, Liberia, Malawi, Malaysia, Mali, Nigeria and Sierra Leone.

8. **Ms. Pérez Álvarez** (Cuba), announced that the sponsors had been joined also by Angola, Costa Rica, El Salvador, Gambia, Kenya, Pakistan, Swaziland and Viet Nam. She noted that the text reflected the annual

resolutions on the subject, which had been adopted in the past by broad majorities.

9. *At the request of the representative of the United States, a recorded vote was taken.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Chile, Fiji, New Zealand, Switzerland, Tonga.

10. *Draft resolution A/C.3/63/L.50/Rev.1 was adopted by 122 votes to 51, with 5 abstentions.*

11. **Mr. Llanos** (Chile), speaking in explanation of vote after the vote, said that his delegation abstained because it opposed the ninth preambular paragraph. He noted that even though there was no legal instrument defining mercenary activities, that paragraph automatically equated the activities of private military and security companies and those of mercenaries.

12. **Mr. Renie** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that while it recognized the many dangers of mercenary activities, the European Union was not convinced that the Third Committee and the Human Rights Council were the forums for discussing them; nor did it believe that the question should be approached from the viewpoint of human rights violations or as a threat to the right of peoples to self-determination. Furthermore, the elaboration of a definition of mercenaries and the links between mercenary activities and terrorism fell within the province of the Sixth Committee. Consequently, the European Union had voted against the draft resolution, although it would continue to work actively on the matter in an appropriate forum.

13. **Mr. Rastam** (Malaysia), making a general statement, said that as a supporter of the draft resolution, Malaysia was concerned at the recent rise in the use of private military or security companies in the context of conflicts, with little regulation of their conduct and duties, even though it was aware that in some situations their services would be more effective than the use of Government resources. In the absence of well-defined international standards regarding their use, human rights could easily be violated without recourse, and they could be used to impede the right to self-determination.

14. **Ms. Bustos** (Argentina), reiterating her Government's firm support for the principle of self-determination, observed that the draft resolution just adopted must be interpreted and applied in accordance with the relevant resolutions that the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had adopted on the special question of the Malvinas Islands (Falklands), in particular General Assembly resolution 2065 (XX), which had recognized that the sovereignty dispute between Argentina and the United Kingdom could be resolved only by the resumption of bilateral negotiations on a solution acceptable to the people of the Islands.

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)
(A/C.3/63/L.58/Rev.1)

Draft resolution A/C.3/63/L.58/Rev.1: Assistance to refugees, returnees and displaced persons in Africa

15. **The Chairman** informed the Committee that the draft resolution contained no programme budget implications.

16. **Mr. Dhalladoo** (Mauritius), introducing the revised draft resolution on behalf of the African Group, said that although informal consultations had produced a text that reflected the overall views of the membership, due to time constraints there remained outstanding concerns that he hoped would be resolved at the following year's session. Two additional preambular paragraphs should be inserted after the six existing preambular paragraphs. The first additional preambular paragraph should read: "*Recognizing* that host States have the primary responsibility for the protection of and assistance to refugees on their territory, and the need to redouble efforts to develop and implement comprehensive durable solutions strategies, in appropriate cooperation with the international community and burden- and responsibility-sharing." The second additional preambular paragraph should read: "*Emphasizing* that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of the displacement problem in appropriate cooperation with the international community." He announced that Belgium, Brazil, Canada, Czech Republic, France, Greece, Ireland, Japan, Netherlands, Portugal, Spain, Sweden and the United Kingdom had joined the sponsors, and noted that Azerbaijan was already a sponsor.

17. **The Chairman** announced that Albania, Australia, Austria, Bulgaria, Bosnia and Herzegovina, Cyprus, Croatia, Denmark, Estonia, Finland, Guatemala, Honduras, Hungary, Iceland, Malta, Nicaragua, Norway, Italy, Montenegro, Luxembourg, Latvia, Lithuania, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and the United States of America had joined the list of sponsors.

18. *Draft resolution A/C.3/63/L.58/Rev.1, as orally revised, was adopted.*

19. **Ms. Pérez Álvarez** (Cuba) said that her delegation wished to express concern over the reference in the second additional preambular paragraph to States having the primary responsibility to provide protection to internally displaced persons. Her delegation's understanding was that States had full responsibility for protecting displaced persons under their jurisdiction and that the role of the international community was restricted to providing assistance upon a State's request.

20. **Mr. Tarar** (Pakistan) said that although his delegation had joined the consensus on the resolution, his country was not a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, and had reservations about certain elements of the resolution, such as the reference in paragraph 21 to local integration, on which it had expressed its position during the adoption of the omnibus resolution on refugees.

21. **Ms. Halabi** (Syrian Arab Republic) said that her country understood the additional preambular paragraph on internally displaced persons to mean that the State had responsibility for internally displaced persons on its territory and that the international community should provide assistance based on agreement by that State. She added that her country was not a party to the 1951 Convention relating to the Status of Refugees, and reserved the right to interpret its obligations in a manner consistent with its national law.

Agenda item 56: Advancement of women (*continued*) (A/C.3/63/L.73)

Draft resolution A/C.3/63/L.73: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

22. **The Chairman** informed the Committee that the draft resolution contained no programme budget implications.

23. *Draft resolution A/C.3/63/L.73 was adopted.*

24. **Mr. McMahan** (United States of America), speaking in explanation of position, said that his delegation interpreted the words "welcomes the contributions of the Committee on the Elimination of Discrimination against Women" in paragraph 3 as an acknowledgement of its efforts rather than as an endorsement of specific recommendations. It understood the call to "take into consideration the concluding comments as well as the general recommendations" of the Committee to refer to recommendations that were consistent with the Committee's mandate. States Parties were under no obligation to change policies and laws that were fully consistent with their obligations under the Convention, such as laws protecting unborn children by prohibiting or restricting abortion. His country objected to the use of the term "health-care services" in paragraph 7 (j) because the phrase "reproductive health services" and variants thereof appearing in United Nations documents were taken by some to include abortion. Because the modest changes proposed by his country had not been accepted, his delegation would dissociate itself from the consensus.

25. **Ms. Gendi** (Egypt) said that her delegation had joined the consensus on the understanding that nothing in the resolution permitted or promoted abortion or the right to abortion.

26. **Mr. Elshakshuki** (Libyan Arab Jamahiriya) said that his delegation had joined the consensus on the understanding that references to sexual and reproductive health services in paragraph 7, subparagraphs (n) and (o) of the resolution did not include anything inconsistent with the Islamic sharia or his country's national legislation, and in particular did not include abortion, which was permitted only in specific circumstances.

27. **Mr. Bahreini** (Islamic Republic of Iran) said that his country interpreted the content of this resolution, in particular as it related to sexual and reproductive health, in a manner consistent with its national law, and reserved its rights with respect to United Nations conventions to which it was not a party.

28. **The Chairman**, in accordance with General Assembly decision 55/488, proposed that the Committee take note of the Report of the Committee on the Elimination of Discrimination against Women (A/63/38), the Report of the Secretary-General on supporting efforts to end obstetric fistula (A/63/222), the Report of the Secretary-General on trafficking in women and girls (A/63/215), the Report of the Secretary-General on improvement of the status of women in the United Nations system (A/63/364), and the Note by the Secretary-General on activities of the United Nations Development Fund for Women (A/63/205).

29. *It was so decided.*

Agenda item 64: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/63/L.22/Rev.1)

Draft resolution A/C.3/63/L.22/Rev.1: Combating defamation of religions

30. **The Chairman** informed the Committee that the draft resolution had no programme budget implications.

31. **Ms. Awino-Kafeero** (Uganda) introduced the draft resolution on behalf of the sponsors: the 57 States members of the Organization of Islamic Conference and, in addition, Belarus and the Bolivarian Republic of Venezuela. The sponsors regretted that some States had chosen from the start not to enter into a constructive dialogue on the alarming trend towards defaming religions. The revised text of the draft resolution reflected concerns raised during several rounds of consultations, and not only signalled a change in approach in dealing with the issue but stressed that the defamation of any religion was a serious affront to human dignity, a restriction of the freedom of religion, and an incitement to religious hatred and violence. Those who claimed that the

concept of defamation of religions had no international legal basis overlooked the fact that the United Nations Global Counter-Terrorism Strategy committed all States to promote a culture of peace and respect all religions and beliefs, and to prevent the defamation of religions. Her delegation hoped that the negative reaction by some delegations to the draft resolution under consideration did not signal a departure from their commitment to that Strategy.

32. She announced a revision of the text: in the eighth preambular paragraph, the word "illegal" before the word "immigration" should be replaced by the word "irregular".

33. **The Reverend Bené** (Observer for the Holy See), referring to the belief that certain religious ideas and figures deserved protection by the State in order to ensure that the sensibilities of believers were not offended, observed that in multicultural societies, appropriate measures must be taken to guarantee respect for the different faiths. Nonetheless, the notion of defamation of religions risked removing the focus away from the basic right of individuals and groups and to the protection of institutions, symbols and ideas; furthermore, it could lend itself locally to support for laws that penalized religious minorities and stifled legitimate dialogue among persons of different faiths and cultures.

34. Believers had to be protected from hate speech and acts against their convictions, but the protection could best be achieved by insuring the right of individuals and communities to religious freedom, as set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

35. **Mr. Attiya** (Egypt) noted that the draft resolution was significant and had incorporated many changes and a general change of approach. It concerned the defamation of all religions without exception. It took account of the concern of some delegations for the protection of religious minorities in their societies, and did so within the context of the relevant human rights instruments.

36. **The Chairman** said that a recorded vote had been requested and invited members who wished to do so to explain their vote before the vote.

37. **Mr. Malhotra** (India) said that his delegation was firmly opposed to the stereotyping of any religion. The draft resolution was an improvement over those of other years but it still focused on a single religion, whereas the emphasis should be on all religions. His delegation would therefore abstain in the vote.

38. **Mr. McMahan** (United States of America) said that his delegation agreed with several of the general tenets regarding denigration of religion in the draft text: the importance of education, concern about perpetuation of stereotypes, respect for all persons regardless of religion or belief and the consideration of a variety of religious traditions rather than an exclusive focus on one of many, as in years past. His Government deplored hateful speech and would work closely with others to map out appropriate responses and remedies for intolerance.

39. Freedom of expression meant freedom also to challenge the ideologies of hate through more speech, more information and more dialogue, not less. Some, however, were seeking to restrict freedom of expression and by doing so were contributing to more divisiveness. Without the freedom to share thoughts and opinions in an open atmosphere, there was no hope of breaking down the barriers that led to violence and hate. All Member States should call to account those who misused United Nations resolutions to harass, torture or jail individuals for nothing more than the expression of their opinions or beliefs.

40. The United States was also concerned that the language in the resolution appeared to suggest that, like an individual's race, one's religion was a characteristic that could not be changed — an idea that conflicted with the explicit language of article 18 of the Universal Declaration on Human Rights. Governments must respect the right of individuals to choose any particular religion or none at all, as well as to change religions and to manifest their religion in teaching, practice or observance. His Government believed it was unhelpful and incorrect to suggest that the issues of racism and religious discrimination were one and the same; those two important issues merited separate consideration.

41. For those reasons, his delegation would vote against the draft resolution.

42. **Mr. Renie** (France), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the

stabilization and association process country Montenegro; and, in addition, Norway, the Republic of Moldova and Ukraine, expressed firm belief in tolerance, non-discrimination and freedom of expression, thought, conscience, religion or belief, all principles on which the European Union was founded.

43. Only a common approach could combat religious discrimination and incitement to religious hatred. Differences of viewpoint must be overcome. The European Union thanked the Organization of the Islamic Conference for having started consultations on the draft resolution early on. Given the indivisibility of human rights, the European Union believed that freedom of expression was the very manifestation of freedom of thought, conscience, religion or belief. It was therefore basic to distinguish between criticism of religions or beliefs and incitement to religious hatred. Only the latter, as defined in article 20 of the International Covenant on Civil and Political Rights, should be forbidden, because religious pluralism demanded the right of every individual to criticize, discuss and contest the values and convictions of others. Tensions would never be reduced by preventing people from expressing ideas about religion and belief. The more freedom of religion there was, the less intolerance there would be. A comprehensive approach to eliminating intolerance must combine prevention, dialogue, education, and the promotion of tolerance and pluralism.

44. The European Union agreed that there should be a shift from viewing defamation of religions in sociological terms to viewing it in terms of legal norms against incitement to national, racial or religious hatred, for which the national laws against hate speech had proven sufficient. The European Union would continue to take a balanced approach, in both the General Assembly and the Human Rights Council, to the issue of incitement to religious hatred; but in situations where basic rights seemed to conflict, only the courts were empowered to determine the limits under the law of the exercise of a specific right. The discussion of incitement to hatred should not be in political terms but on legal grounds.

45. Furthermore, the European Union was convinced that the concept of defamation of religions was not compatible with a discussion on human rights and that it was misplaced to combine the two. The thrust of international human rights law was to protect individuals in the exercise of their freedom of religion or conviction, not to protect religions as such. If the focus was on an obligation to protect a religion, the notion of defamation of religions could be used to justify restrictions of certain human rights such as the protection of persons belonging to religious minorities, or to justify curtailing the exercise of certain rights, especially freedom of expression and freedom of religion or belief itself. Since the presupposition that religions in themselves must be protected was not acceptable to the European Union, it had been unable to propose amendments to a text whose approach it did not share.

46. For all those reasons, it would vote against the draft resolution.

47. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/62/L.22/Rev.1, as orally revised.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Guinea, Guinea-Bissau, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania,

Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Angola, Argentina, Armenia, Belize, Benin, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Equatorial Guinea, Ghana, Grenada, Guatemala, Haiti, India, Japan, Kenya, Madagascar, Malawi, Mexico, Mongolia, Namibia, Nauru, Nepal, Panama, Papua New Guinea, Paraguay, Peru, Rwanda, Timor-Leste, Trinidad and Tobago, United Republic of Tanzania, Uruguay, Vanuatu, Zambia.

48. *Draft resolution A/C.3/63/L.22/Rev.1, as orally revised, was adopted by 85 votes to 50, with 42 abstentions.*

49. **Mr. Akindele** (Nigeria) said that Nigeria enjoyed a multiethnic and multicultural society and had made freedom of religion a priority in its Constitution. Any attempt at denigrating religion was unacceptable; furthermore, it was important to encourage interfaith dialogue. His delegation had therefore voted in favour of the draft resolution.

50. **Mr. Llanos** (Chile) said that the freedoms of religion and expression were basic human rights that should not be limited, except where provided for in international legal instruments. Any propaganda in advocacy of national, racial or religious hatred that would constitute incitement to discrimination should be prohibited by law. Moreover, measures to counter defamation of religions should not be used to undermine the right to freedom of expression, which was essential to strengthening the rule of law and the democratic process.

51. **Mr. Suárez** (Colombia) said that freedom of religion and the equality of religious faiths before the law were enshrined in the Colombian Constitution. The media could also help promote greater understanding among all religions, beliefs, cultures and peoples, thereby facilitating dialogue among societies and creating an environment conducive to the exchange of human experience.

52. His delegation had abstained in the vote on the draft resolution, as in previous years, owing to sections that remained ambiguous and could result in unjustifiable limitations on freedom of expression that ran counter to the definitions of that right in the relevant international instruments ratified by Colombia and incorporated in its Constitution. He hoped that it would be possible to clarify the concept of defamation of religions, in order to ensure that its interpretation respected the right to freedom of expression in all its aspects.

53. **Mr. Perez** (Brazil) said that his delegation had abstained in the vote, because while the draft resolution contained a number of positive elements, Brazilian law did not prohibit the defamation of religions, in accordance with article 19, paragraph 3, and article 20, paragraph 2, of the International Covenant on Civil and Political Rights, but rather the incitement to hatred or discrimination based on, inter alia, religion. It sought to protect not religions per se, but the right of all individuals to freely exercise the religion of their choice. Brazilian law also guaranteed the freedom of expression, which was recognized in other international instruments. The issue of defamation of religions should not be considered from a political perspective but from a strictly legal one, and should be addressed through the elimination of incitement to hatred based on religion and greater tolerance. It was of the utmost importance to treat islamophobia, christianophobia and anti-semitism, as well as any other form of religious discrimination, on the same footing. To do otherwise would invite accusations of selectivity, politicization and the use of double standards in addressing human rights situations around the world.

54. **Mr. Sng** (Singapore) said that his delegation had voted in favour of the draft resolution on the understanding that it applied to all religions. He expressed concern with regard to the oral revision of the eighth preambular paragraph, which should be interpreted in accordance with each country's national legislation and policies on immigration.

55. Singapore was a multiracial, multireligious State. It was important to foster tolerance and to prevent the defamation of religions, which bred intolerance and distrust, and undermined social harmony. Social

responsibility and accountability should guide the exercise of one's right to freedom of expression; mutual respect should not be sacrificed in pursuit of that right. Harmful rhetoric and demonization along racial, cultural and religious lines often led to conflict and violence and had no place in any society.

56. His delegation supported efforts to combat religious defamation. It recognized the value of diversity and felt strongly that it must do what it could to combat intolerance.

Draft resolution A/C.3/63/L.42/Rev.1: The right to food

57. **The Chairman** said that the draft resolution had no programme budget implications.

58. **Ms. Pérez Álvarez** (Cuba) said that the draft resolution was being considered against the backdrop of the global food and financial crises, which had serious consequences for the right to food, especially in countries of the South.

59. The causes of the food crisis were systemic, arising out of the unfair distribution of wealth at the global level and the unsustainable neoliberal economic model imposed on countries of the South. She welcomed the rapid response of the Human Rights Council to the food crisis in holding its first-ever special session on the impact of the global food crisis on the right to food as well as its follow-up activities. The draft resolution should not be considered only in the context of the current crisis; rather, it should reflect a more general approach on how to ensure the right to food over the long term.

60. The following had joined the sponsors of the draft resolution: Albania, Andorra, Austria, Bangladesh, Belgium, Brazil, Bulgaria, the Central African Republic, Chad, the Comoros, Cyprus, France, Germany, Grenada, Guinea-Bissau, Hungary, Ireland, Italy, Jamaica, Japan, Jordan, Montenegro, Nauru, Norway, Papua New Guinea, Portugal, the Republic of Moldova, Romania, Saint Lucia, Saint Kitts and Nevis, Samoa, San Marino, Slovenia, Solomon Islands, Somalia, Spain, Tajikistan, Thailand, Trinidad and Tobago, Turkmenistan and Tuvalu.

61. Several revisions should be made to the English and Spanish versions of the draft resolution. With regard to the English version, she suggested the insertion, after the sixteenth preambular paragraph, of an additional preambular paragraph, which would read: "Acknowledging the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-General to continue his efforts in this regard, including the continued engagement with Member States and the Special Rapporteur on the Right to Food."

62. In paragraph 14, the phrase ", inter alia," should be inserted following the words "such as". Paragraph 25 should be revised to read "Also stresses that States parties to the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) should consider implementing that Agreement in a manner supportive of food security while mindful of the obligation of Member States to promote and protect the right to food;". Finally, in paragraph 32, the phrase "on Economic, Social and Cultural Rights" should be inserted following the word "Committee". She also made a number of changes to the Spanish text of the draft resolution in order to bring it into line with the English text.

63. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Antigua and Barbuda, Cape Verde, Chile, the Congo, the Democratic People's Republic of Korea, Dominica, the Dominican Republic, Greece, Luxembourg, Malaysia, Maldives, Myanmar, the Philippines, the Republic of Korea, Switzerland, Togo, Turkey, the United Arab Emirates and Yemen had become sponsors.

64. **Mr. Elshakshuki** (Libyan Arab Jamahiriya) said that his country's name had been misspelled in the Arabic version of the draft resolution and requested the Secretariat to make the appropriate changes.

65. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/62/L.42/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican

Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

66. *Draft resolution A/C.3/63/L.42/Rev.1, as orally revised, was adopted by 180 votes to 1.**

67. **Mr. McMahan** (United States of America) said that while he supported many elements of the draft resolution, he could not support the text as drafted. The attainment of the right to adequate food or the right to be free from hunger were goals to be realized progressively but that did not give rise to any international obligation or diminish the responsibilities of national Governments to their citizens. Because of numerous objectionable provisions, including inaccurate textual descriptions of the underlying right to food, his delegation had, as in the past, voted against the draft resolution.

68. As the world's leading food donor, however, the United States continued to support the right to food and would continue to work to bring food security to all. He hoped that the future sponsors of similar resolutions would work with his delegation to accommodate its concerns so that it could adopt future resolutions on the right to food.

69. **Ms. Hopkins** (United Kingdom) said that her delegation had voted in favour of the resolution; however, that vote should not be seen to reflect a change in position on the part of her Government regarding collective rights. Indeed, notwithstanding the inclusion of paragraph 13 of the draft resolution, her country did not recognize the concept of collective human rights in international law, with the exception of the right to self-determination.

70. Indigenous individuals were entitled to the full protection of their human rights and fundamental freedoms in international law on an equal basis with all other individuals. It was important to ensure that individuals within groups were not left vulnerable or unprotected by allowing rights of a group to supersede the human rights of an individual. That was without prejudice to her country's recognition of the fact that the Governments of many States with indigenous populations had granted them various collective rights in their national legislation.

71. **Ms. Janson** (Canada) said that her country supported the progressive realization of the right to adequate food as part of everyone's right to an adequate standard of living and had therefore voted in favour of the resolution. Nevertheless, she wished to express concern with regard to paragraph 24, as there was no established link between the TRIPS Agreement and the concept of food security and the right to food. Canada's interpretation of the paragraph was that it simply encouraged WTO members to consider the manner in which they implemented the TRIPS Agreement but in no way instructed them on the substantive implementation of the Agreement. Moreover, nothing in the Agreement prevented States

* The delegation of Guatemala subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

from pursuing the objectives of the right to food or food security.

72. **Mr. Vigny** (Switzerland) said his delegation had voted in favour of the draft resolution following long and difficult negotiations. He hoped that, in future negotiations on similar resolutions, the main sponsor would lead open-ended informal consultations throughout the process in order to ensure more transparency.

73. **Mr. Rastam** (Malaysia) said that his delegation had voted in favour of the draft resolution. It was important to address the negative impacts of the food crisis and to recognize the primary responsibility of States in that regard. The right to food was a universal human right, the realization of which urgently required synergized action by all Member States.

74. **Mr. Gonnet** (France), speaking on behalf of the European Union; the candidate countries the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzogovina, and Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that States must adopt an approach based on human rights, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in order to ensure food security and eradicate poverty.

75. States had the primary responsibility for satisfying the basic needs of their people. Good governance and the full enjoyment of all rights were essential to guarantee sustainable food security. Tenure security and the right to adequate food were clearly linked; the strengthening of women's rights was necessary for the realization of that right. States must take human rights into account when developing national strategies on ensuring the right to adequate food. In that connection, he urged the main sponsor to place greater emphasis on human rights in future resolutions on the right to food.

76. With regard to paragraph 13 of the draft resolution, the European Union supported a rules-based international system. While it was in favour of the differentiated treatment of developing countries, within a well-defined framework and conditions, it opposed the development by States of policies that were inconsistent with the rules-based international system currently in place.

77. Emphasis should also be placed on the strengthening of human rights, and not solely on promoting agricultural production. Focusing on national production rather than on individual rights did not fulfil the needs of poor urban dwellers or subsistence farmers: the fact that they were not as productive as large-scale farmers did not mean they were any less entitled to the right to adequate food.

78. **Ms. Anttila** (Finland) said that as a traditional sponsor of the resolution on the right to food, her country regretted having to withdraw its sponsorship at the sixty-second session. As a strong advocate of the United Nations Declaration on the Rights of Indigenous Peoples, it had not been able to accept the last-minute amendment whereby the reference to that instrument had been weakened. Despite considerable efforts during the current session by the main sponsor, her delegation still could not fully agree with the compromise wording in paragraph 12, and would therefore not be in a position to sponsor the current draft. Nevertheless, as a result of constructive negotiations, the overall form of the current resolution had allowed her country to join its European Union partners in supporting it, and her delegation looked forward to being able to sponsor the resolution at future sessions.

79. **Mr. Suárez** (Colombia) said that his delegation had voted in favour of the draft resolution, because it considered that the right to food was an important element of the basic right to life and personal integrity. With regard to paragraph 25 of the draft resolution, trade-related aspects of intellectual property rights were independent from the United Nations and should remain within the scope of WTO. Furthermore, his delegation understood paragraph 14 as simply suggesting the examination of a concept for further clarification, as food sovereignty was not defined in any international agreement.

Draft resolution A/C.3/63/L.30/Rev.1: The right to development

80. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly, said that under paragraphs 2, 3 and 36 of the draft resolution, the General Assembly would support the mandate of the Working Group, with the recognition that the Working Group would convene an annual session of five

working days and present its reports to the Council; support the realization of the mandate of the high-level task force, with the recognition that the task force would convene annual sessions of seven working days and present its reports to the Working Group; and provide the Office of the High Commissioner for Human Rights with necessary resources. In response to draft resolution A/C.3/63/L.57 endorsing the recommendations of the Human Rights Council, the Secretariat was preparing a statement of programme budget implications that provided for the additional $235,800 required to support those activities, supplementary to the $417,200 already included under section 23 of the programme budget for the biennium 2008-2009. In addition to the provisions of section 23, provisions had been included under section 2, General Assembly and Economic and Social Council Affairs and Conference Management, and section 28 (e), Administration, to provide the required conference servicing to the Working Group and the Task Force. Accordingly, should the draft resolution be adopted, there would be no requirement for additional appropriation under the programme budget for the biennium 2008-2009.

81. **Mr. Amorós Nuñez** (Cuba) said that the draft resolution was consistent with the Declaration on the Right to Development, which had been reaffirmed in the Vienna Declaration and Programme of Action, and which stated that the right to development was an inalienable human right and that equality of opportunity for development was a prerogative both of nations and of individuals. Consideration should be given to the establishment of an international legally binding instrument on the right to development.

82. In paragraph 22 of the draft resolution, the words "the result ..." should be changed to "a result ...". In paragraph 33, the phrase "to promote their rights" should be changed to "to promote and protect their rights," and the phrase "in accordance with recognized international human rights obligations" should be changed to "in accordance with human rights obligations".

83. **Mr. Khane** (Secretary of the Committee), announced that Brazil had become a sponsor of the draft resolution.

84. **Mr. McMahan** (United States of America), speaking in explanation of vote before the voting, said that his delegation understood the term "right to development" to mean that each individual should enjoy the right to develop his or her intellectual or other capabilities to the maximum extent possible through the exercise of the full range of civil and political rights. As in previous years, his delegation objected to any discussion of a possible legally binding instrument on the right to development. It did not believe that the draft resolution would contribute to the United States' long-standing commitment to international development and to helping nations achieve sustainable economic growth. It would therefore vote against the draft resolution.

85. **Mr. Gonnet** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Bosnia and Herzegovina, and Serbia; members of the European Free Trade Association which are also members of the European economic area Iceland and Norway; and, in addition, Republic of Moldova and Ukraine, in explanation of vote before the voting, said that the European Union remained firmly committed to the establishment of the right to development for all. It supported the draft resolution and welcomed the constructive atmosphere that had prevailed throughout the negotiations.

86. As stated in the Vienna Declaration and Programme of Action, the right to development was an integral part of fundamental rights and the lack of development may not be invoked to justify the abridgement of internationally recognized human rights. It was a responsibility of States to create favourable conditions for development and to guarantee the full enjoyment of all universal and legally recognized human rights. The European Union would continue to play an active role in the establishment of the right to development by developing voluntary partnerships, supporting programmes and participating in dialogue at both national and international levels.

87. The European Union would be voting in favour of the draft resolution for the same reasons that had enabled it to join the consensus on Human Rights Council resolution 9/3, based on its understanding that the positive work being done by the high-level task force on the implementation of the right to development and the Working Group on the Right to Development was not necessarily a process leading

towards an international legal standard of a binding nature.

88. While paragraph 11 of the draft resolution encouraged the Human Rights Council to ensure follow-up to the work of the former Subcommission on the Promotion and Protection of Human Rights, the European Union believed that, in accordance with Human Rights Council resolution 5/1, it was entirely the responsibility of the Human Rights Council to make decisions with regard to any follow-up to the work of the Subcommission, as well as any tasks to be entrusted to the body that would succeed it, the Advisory Committee. Secondly, since there were two bodies responsible for the right to development — the Working Group on the Right to Development and the high-level task force on the implementation of the right to development composed of independent experts — the European Union did not believe it necessary to consider a third.

89. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/63/L.30/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Canada, Israel.

90. *Draft resolution A/C.3/63/L.30/Rev.1, as orally revised, was adopted by 177 votes to 1, with 2 abstentions.*

91. **Ms. Hopkins** (United Kingdom) said that her country welcomed the adoption of the important draft resolution on the right to development. The United Kingdom played an active role in promoting the right to development through active engagement at national and international levels. However, it wished to register its concern over the reference to "indigenous peoples" in paragraph 33 of the draft resolution. As stated in its interpretive statement made on 29 June 2006 at the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the United Kingdom considered that indigenous "individuals" — rather than "peoples" — were entitled to the full protection of their human rights and fundamental freedoms in international law on an equal basis with all other individuals, as human rights were universal and equal to all and did not belong to any one group over another. That was a long-standing and well-established position, as it was important to ensure that individuals within groups were not left vulnerable by allowing the rights

of the group to supersede the rights of the individual. That position was without prejudice to the United Kingdom's recognition of the fact that the Governments of many States with indigenous populations had granted them various collective rights in their constitutions, national laws and agreements. The United Kingdom therefore did not accept that paragraph 33 of the draft resolution established collective rights.

92. **Ms. Janson** (Canada) said that her country supported the concept of the right to development and viewed it as a useful bridge between all human rights, whether civil, political, economic, social or cultural. Canada was an active participant in the United Nations Working Group on the Right to Development and had been pleased to join consensus on the conclusions and recommendations of its most recent session and on the resolution on the right to development adopted at the ninth session of the Human Rights Council.

93. While the text of the current draft resolution was an improvement on that of the previous year, Canada still had substantive concerns. The draft resolution still referred to creating new legal standards for the right to development, though it was premature to assume that new standards would be necessary until the Working Group and the task force had completed their work. A legally binding instrument should be only one of many options that could be considered in the future. In addition, the text of the draft resolution focused too much on the international enabling environment surrounding the right to development. Efforts should be made to focus more on the primary responsibility of each State to promote and protect the human rights of citizens within its own jurisdiction.

94. **Mr. Vigny** (Switzerland) said that his country had been able to vote in favour of the draft resolution on the right to development, in spite of the reference to an international legal standard of a binding nature in paragraph 8. While Switzerland was prepared to accept guidelines on the implementation of the right to development, it had reservations with regard to an international legal standard of a binding nature on the issue. Accepting paragraph 8 of the draft resolution did not prejudice the final position that Switzerland might take on the matter in the future.

95. **Ms. Anttila** (Finland) said that her country was a devoted supporter of economic, social and cultural rights; therefore its overall response to the draft resolution had been positive. However, as a strong advocate for the promotion and protection of the rights of indigenous peoples, she expressed regret that the reference in paragraph 33 to the United Nations Declaration on the Rights of Indigenous Peoples was not yet strong enough.

Draft resolution A/C.3/63/L.35/Rev.1 and amendments contained in documents A/C.3/63/L.74 and L.75: Extrajudicial, summary or arbitrary executions

96. **Mr. Khane** (Secretary of the Committee), in accordance with rule 153 of the rules of procedure of the General Assembly, said that under the terms of paragraph 19 of draft resolution A/C.3/63/L.35/Rev.1, the General Assembly would request the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits. An amount of US$ 147,000 per biennium was included under section 23 of the programme budget for the biennium 2008-2009 for the activities of the Special Rapporteur. Therefore, if the Committee should adopt the draft resolution, there would be no requirement for additional appropriation under the programme budget for that biennium.

97. **Ms. Schlyter** (Sweden), introducing draft resolution A/C.3/63/L.35/Rev.1 on behalf of the five Nordic countries and the other sponsors, announced that the Dominican Republic and Mexico had also joined the sponsors, bringing the total number to 62. The changes introduced reflected the outcome of informal and bilateral consultations and addressed, inter alia, concerns with the language regarding national level commissions, the relationship between international human rights law and international humanitarian law, and the responsibility of States to protect their populations from large-scale occurrences of extrajudicial, summary or arbitrary executions.

98. Negotiations on paragraph 5 had continued until earlier that day. As the text had been put to a vote in the past, delegations had approached it from the point of view that consensus should be possible on the notion that the death penalty should only be used within the framework of internationally agreed safeguards and limitations. A revised text had been agreed, which should read:

"*Calls upon* all States, in order to prevent extrajudicial, summary and arbitrary executions, to comply with their obligations under relevant provisions of international human rights instruments; and further calls upon those States which have not abolished the death penalty to pay particular regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child, bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and taking into account the recommendations of the Special Rapporteur regarding the need to respect essential procedural guarantees, including the right to seek pardon or commutation of sentence;"

99. Negotiations had also continued on the text of paragraph 6 (b), listing categories of persons particularly vulnerable to extrajudicial, summary or arbitrary executions, but despite the efforts made, consensus had not yet been reached. Since full consensus had not been completely achieved on the text, the progress made should serve as a starting point for future negotiations on the issue. There had never been any doubt that all delegations shared the core concern expressed in the draft resolution: the crucial need to combat extrajudicial, summary and arbitrary executions in all their forms.

100. **Ms. Awino-Kafeero** (Uganda), speaking on behalf of the States Members of the United Nations that were members of the Organization of the Islamic Conference (OIC), said that in light of the oral revision of paragraph 5 made by the representative of Sweden, she was able to withdraw the proposed amendment contained in document A/C.3/63/L.74.

101. Turning to the amendments contained in document A/C.3/63/L.75, she said that during the negotiations on the draft resolution, the OIC had repeatedly requested that the case of peoples under foreign occupation be addressed, since they were likely to be subject to extrajudicial, summary or arbitrary executions. The sponsors of the draft resolution had then tried to shift the focus from the rights of those peoples to foreign occupation in itself. In response to the insistence of the OIC on addressing the plight of those peoples, the sponsors had produced the text as it currently stood in draft resolution A/C.3/63/L.35/Rev.1, which diluted the reference to those peoples by adding a list of other irrelevant cases and de-linking peoples under foreign occupation from refugees, internally displaced persons and migrants, often a result of foreign occupation. People affected by foreign occupation could well be the population of a neighbouring State, affected by the instability across their borders, the economic situation of the region, or the influx of migrants. The OIC believed that all attempts to avoid the core issues of the rights of peoples living under foreign occupation would only serve to augment the adverse consequences of their situations. Clarity on that important issue was the key to confirming the international community's commitment and responsibility to the universal realization of the right of peoples under foreign occupation to self-determination. The OIC therefore had no alternative but to submit for the consideration of the Committee the amendments contained in paragraphs 1 (a) and (b) of document A/C.3/63/L.75.

102. Although the notion of sexual orientation had no legal foundation in any international human rights instrument, the OIC acknowledged that some Member States might have accepted it. However, that did not justify highlighting that controversial notion, while ignoring that discrimination also existed on the basis of other factors, including colour, race, gender and religion. In the spirit of seeking consensus, the OIC had proposed using generic language that covered all types of discrimination. The sponsors of the draft resolution had, however, been reluctant to accept the proposal, even though it could have enabled many OIC Member States to join consensus and even to become sponsors. Therefore, the OIC wished to submit the amendment contained in paragraph 1 (c) to the Committee for its consideration.

103. The OIC urged the sponsors of the draft resolution to consider the amendments favourably so that draft resolution A/C.3/63/L.35/Rev.1 could be adopted by consensus. However, if a vote was requested on the amendments contained in document A/C.3/63/L.75, the OIC requested that the vote should be taken in two parts: on paragraphs 1 (a) and (b) together; then separately on paragraph 1 (c).

104. **Ms. Schlyter** (Sweden) noted with regret that, after the efforts to satisfy the concerns raised regarding paragraph 6 (b), the amendments proposed in document A/C.3/63/L.75 remained on the table. Neither amendment was acceptable to her delegation. She

therefore requested that a recorded vote be taken on the amendments proposed in document A/C.3/63/L.75, in two parts, as suggested by the representative of Uganda.

105. **Ms. Anttila** (Finland), speaking in explanation of vote before the vote, said that although protection from certain kinds of executions was the point of the draft resolution, the sponsors had decided for the first time to include a reference to persons under foreign occupation in paragraph 6 (b) in order to respond to the concerns of some delegations. The reference, however, had included all individuals, including those belonging to specific groups. The alternative wording on foreign occupation in the proposed amendment (A/C.3/63/L.75) clearly went beyond the original intent of the paragraph, at the same time excluding many important groups of individuals in vulnerable situations. The sponsors believed that the text as worded safeguarded the rights of the very same persons whom the sponsors of the amendment aimed to protect. Her delegation would vote against the amendment, which had been unacceptable to a number of delegations, and asked other delegations to vote against it as well.

106. **Ms. Schlyter** (Sweden), speaking in explanation of vote before the voting, said that after the OIC had proposed the inclusion of a reference to foreign occupation, the sponsors of the draft resolution had responded by including a reference in the revised proposed draft resolution A/C.3/63/L.35/Rev.1. The text proposed was based on what had been accepted in other resolutions, in the hope that it would be acceptable to all delegations. However, the proposal in document A/C.3/63/L.75 insisted on different language. Sponsors had then offered new language in an effort to reach consensus, but were told that only the language proposed in that document would be accepted by the members of the OIC.

107. She did not agree with the analysis presented by the representative of Uganda questioning the need for the reference to killings of persons affected by terrorism or hostage-taking. Her delegation believed it to be a useful addition to the draft resolution. It had proposed using the word "persons" rather than the word "peoples" because paragraph 6 (b) addressed the killings of individual persons rather than groups of people, and it was not intended to deny the importance of the issue of killings of peoples.

108. Voting against the amendments proposed in paragraphs 1 (a) and (b) of document A/C.3/63/L.75 was not a vote against a reference to foreign occupation in the draft resolution, since a reference was already present in the text. Her delegation would therefore be voting against the alternative wording contained in the proposed amendments.

109. **Ms. Winding** (Denmark), speaking in explanation of vote before the voting, said that her delegation fully aligned itself with the statement made by the representative of Sweden. Paragraph 6 (b) of draft resolution A/C.3/63/L.35/Rev.1 urged all States to ensure the effective protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons. In response to concerns raised, the sponsors of the draft resolution had agreed to include among those groups persons affected by foreign occupation, terrorism and hostage-taking. The inclusion of those three elements brought the text closer to universal acceptance and was testimony to the willingness of the sponsors to take on board the concerns of all interested delegations. In order to maintain the broad compromise, all three elements should therefore be kept in the text.

110. The meaning and the specific implications of the language proposed in paragraph 1 of document A/C.3/63/L.75 referring to "peoples" was unclear. It introduced a collective dimension which was beyond the scope of paragraph 6 (b) of the draft resolution, which concerned the investigation of individual killings.

111. For those reasons, Denmark would vote against the proposals contained in paragraphs 1 (a) and (b) of document A/C.3/63/L.75.

112. **Ms. Halabi** (Syrian Arab Republic) said that draft resolution A/C.3/63/L.35/Rev.1 had not satisfied her delegation's concerns with respect to peoples suffering foreign occupation. The phrase "persons affected by foreign occupation" in paragraph 6 (b) was vague and did not necessarily include peoples suffering foreign occupation. Her delegation would therefore vote in favour of the amendment to draft resolution A/C.3/63/L.35/Rev.1 contained in document A/C.3/63/L.75.

113. *At the request of Sweden, a recorded vote was taken on paragraph 1 (a) and (b) of the amendment to*

draft resolution A/C.3/63/L.35/Rev.1 contained in document A/C.3/63/L.75.

In favour:

Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Brunei Darussalam, Burkina Faso, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Gabon, Gambia, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Namibia, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Afghanistan, Angola, Benin, Bolivia, Botswana, Burundi, Cambodia, Cape Verde, Costa Rica, Equatorial Guinea, Ethiopia, Grenada, Guinea, Guinea-Bissau, Haiti, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Mongolia, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Sri Lanka, Togo, Trinidad and Tobago, United Republic of Tanzania, Uzbekistan.

114. *The amendment to draft resolution A/C.3/63/L.35/Rev.1 contained in paragraph 1 (a) and (b) of document A/C.3/63/L.75 was rejected by 78 votes to 60, with 29 abstentions.*

The meeting rose at 1.20 p.m.